Scapegoat

Architecture
Landscape
Political Economy

Issue 00

Property

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Editorial Note

Scapegoat is a publication that engages the political economy of architecture and landscape architecture. The figure of the scapegoat carries the burden of the city and its sins. Walking in exile, the scapegoat was once freed from the constraints of civilization. Today, with no land left unmapped, and with processes of urbanization central to political economic struggles, **Scapegoat** is exiled within the reality of global capital. Its burden is the freedom to see space from other angles and from uninhabited positions. The journal examines the relationship between capitalism and the built environment, confronting the coercive and violent organization of space, the exploitation of labour and resources, and the unequal distribution of environmental risks and benefits. Throughout our investigation of design and its promises, we return to the politics of making as a politics to be constructed.

When we began thinking about this journal, the latest financial crisis had just destabilized markets around the world, causing a deep recession. We understand the ongoing economic instability in Europe, Japan, and the United States, as the result of the reckless expansion of the US property market—internally through the promotion of subprime mortgages, and globally through the invention of new financial instruments designed to spread the risk of these mortgages. We decided that our inaugural issue should examine the centrality of the problem of property because *it is the literal foundation for all spatial design practices*. This buried foundation must be exhumed. Architecture, landscape architecture, and urban design each begin with a space that is already drawn, organized, and formed by the concrete abstraction of property lines. From our perspective, property stands as the most fundamental, yet underestimated, point of intersection between architecture, landscape architecture, and political economy. What is a "site" except a piece of property? What are architecture and landscape architecture but subtle and consistent attempts to express determined property relations as open aesthetic possibilities? And, decisively, how can these practices facilitate other kinds of relation?

We begin with property in order to make present what is absent in many recent attempts to expand the fields of architecture and landscape architecture toward and around adjacent disciplines and territorial practices. The promotion of architecture and landscape architecture's expanded fields can be seen in the proliferation of new urbanisms: Landscape Urbanism, Infrastructural Urbanism, and Ecological Urbanism. It is also seen in new forms of architectural and landscape architectural research, which appropriate techniques from the social sciences, including geography, sociology, and economics. Let us be clear: **Scapegoat** supports, endorses, and facilitates transdisciplinary research and development. However, we see many recent moves by architects and landscape architects to make claims about new territories as attempts to literally enlarge their zone of professional influence. Whether these appropriations follow a form of 'dirty realism' or attempt to solve social or ecological problems, many attempts at disciplinary expansion create new forms of managerial administration or act as professional primitive accumulation. At the very least, these approaches promote the apolitical management of properties, following Le Corbusier in his call for architecture as a means to discredit political struggle. We refuse the dichotomy 'architecture or revolution.'[1]

In place of the relentless expansion of architecture and urbanism into new territories, we argue, in accord with Fredric Jameson's prescient analysis of "the constraints of Postmodernism,"[2] that these new practices are still trapped and enclosed within the bio-political structures of globalized Neoliberalism. In response to this condition, we propose contestation, confrontation, and decolonization. We do not hope for an escape toward some imaginary outside, nor do we wait for a messianic reversal of fortunes. Rather, we will mobilize neglected, discarded, and undervalued components of the existing social field to sharpen new weapons for political struggle. Following George Jackson's prison writings, **Scapegoat** flees, but in order to find a weapon.[3] Where many contemporary designers claim to solve problems through a liberal politics of social integration and charitable service, **Scapegoat** strives to create better problems by attacking, unmasking, and reorganizing the role and function of design.

Finally, we focus the first issue of **Scapegoat** on property in order illustrate the hubris of architects who still argue for the autonomy of architectural design. Fortified behind the walls of the discipline, many aesthetes privilege experimentation with new digital and parametric drawing tools as the first imperative of design practice and education. In response, **Scapegoat** argues that these practices necessarily bracket property, in an attempt to bypass the processes of valorization imbedded in capitalist relations of power. Who owns these properties? What dispossessions do these projects produce? Are architectural effects worth such extravagant expenditure? The aesthetic autonomy lauded by designers and theorists is too often a conservative retreat into classist modes of distinction. We assert, following Walter Benjamin, that isolated objects must be inserted back into the context of living social relations.[4] This insertion *cannot* be a denial of form. Instead, form itself must be produced in relation to the forces hidden beneath claims of aesthetic autonomy.

As a foray into this lived context of our social reality and its incessant mediation, **Scapegoat** seeks autonomy from the capitalist mode of production, even as we are forced to inhabit its territories. In response to the property relation, **Scapegoat** aspires to the deterritorialization of both physical and theoretical constructions. As Brian Massumi writes, "A concept is a brick. It can be used to build the courthouse of reason. Or it can be thrown through the window."[5] Through this broken window **Scapegoat** sees the potential for creative and experimental design. It is in the particular tensions of each situation that unique possibilities for contestation emerge. With our first issue, **Scapegoat** argues that the necessity of design cannot be reduced to logical, technical, or professional registers because it is properly, and relentlessly, an existential preoccupation.

Notes

1. Le Corbusier, "Architecture or Revolution," *Towards An Architecture*, intro. Jean-Louis Cohen, trans. John Goodman (Los Angeles: Getty Research Institute, 2007), 291-307.

2. Fredric Jameson, *The Seeds of Time* (New York: Columbia University Press, 1994), 129-205.

3. George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (New York: Coward-McCann, 1970).

4. Walter Benjamin, "The Author as Producer," in *Relflections*, ed. Peter Demetz, trans. Edmund Jephcott (New York: Schocken Books, 1986), 222.

5. Brian Massumi, "Translators Forward", in Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987), xii.

Atlas Über Alles: A Conversation with Alexis Bhagat and Nato Thompson

Alexis Bhagat and Nato Thompson were kind enough to spend some time with Scapegoat for a conversation about mapping, activism, teleology, property and their current work. Their respective projects, each an exhibition and a book—*An Atlas of Radical Cartography* (with Lize Mogel) and *Experimental Geography* (with Independent Curators International)—have explored the spatial turn in contemporary art and design. Scapegoat was interested in the motivations for this work and its commitment to foregrounding concerns about property within the design disciplines and artistic practices.

SCAPEGOAT SAYS: Property is the unanalyzed foundation of architecture. While it is essential to all architectural practice, rarely do we find it addressed critically in design discourse or modelled experimentally with new modes of confrontation. One of the reasons for this is quite simple: there are few "viable" anti-capitalist models in architecture. Since so much of the profession requires existing models of property for its very existence it would seem that questioning property and its various modes is also to question the very foundation of architecture.

Before we address this point directly, I would like to turn to the theme of mapping and diagramming and its central role in both of your curatorial projects. In both *An Atlas* and *Experimental Geographies*, there is a distinction between maps which the Institute for Applied Autonomy calls "tactical cartographies," which are defined by their "operational value," and maps which are in a sense tactically useless, whether they are utopian, fantastic, or diagrammatic.

NATO THOMPSON: Take a road map, for instance. A road map is meant to be user friendly, to aid getting from A to B.

ALEXIS BHAGAT: So, in terms of its politics, a road map is in cahoots with the most basic credo of activist art—getting from A to B. Utility. What's a map? A map shows you how to get from one place to another, when you think of social change that map is very confusing, but the ideal situation is that one actually moves from one place to another. A map is trying to read the world, trying to understand and make the world legible. But it's not the entirety of what one can do. You can also demonstrate the coercive nature of mapping, you can actually try to resist the power that mapping has on you as a person. There are ways of getting a little dot on there, to resist the utility of maps.

SS: What do you mean by the coercive nature of maps?

NT: A map gets to set up the parameters: it sets up the rules, it's going to tell you what's worth seeing or not, it sets out the route to take, what are the particularities, all of it is contained within this world that it sets up. What if you're not on that map? What if the power structures that be, that make the world turn, left you off the map, what if you're not in there and there's no map for you to get in there? This is how a lot of dominant maps are, but it is also a way of thinking about how radical maps reposition people's agency in a map to some degree.

Map as zeitgeist

AB: This discussion of agency brings to mind geography's positivist inheritances, the replacement of judgment with calculation, the faith that you can accurately represent the world, and that people can make rational use of that accurate representation. This is relatively recent development: the fantastic tradition is older in geography, the contemplation of a new world. Pedro Lasch's *Route Guides* plays with that moment of cartography's turning point from cosmography to geography. In the 15th and 16th centuries, there were suddenly all these fantastic reports of new worlds: if you could draw them, you could name them. The apotheosis of this situation is the naming of America.

I love how *Route Guides* underscores that that act of naming can both serve power, serve the Crown, but can also be resistant or wholly fantastic. Fantastic mapping is utopian, even when it is mercantile, utilitarian too. Fantastic maps present problems for the activists who just want to get from A to B, but offer a useful practice for activists who want to subjectively picture what is going on here and now?

NT: There's not a lot of those. I think activist culture has got too much of that damn work ethic in it, they got that Weber thing going on, good productive people, working, working, going to bed exhausted. Pragmatism as bio-power.

SS: How has cartography affected activist and artist culture?

NT: I always joke that people got so burned out on theory that they literally wanted to ground it in space. Forget Baudrillard! Where is the place you're talking about? Let's go visit it. The *spatial turn* came from this urge to get out of this theoretical abstraction that seemed to not have any impact on daily life. I think it came from a theoretical exhaustion on the critical left.

AB: But it's more than that. It has to do with the times. Lize conducts a lot of mapping workshops and I remember she was shocked at one point about how everyone thinks in plan now. Ten or fifteen years ago, if you asked a school kid to draw their house, they would probably draw a house from the front. The image of home was generally based on the image of walking into it. Now when you ask kids to draw their house, they draw it out like they'd see it in Google Maps. Lize has talked to teachers and confirmed that this is an established shift that has taken place. It's natural for people to communicate through maps because of the dominance of plan-image in our thinking now.

Moreover, so much information comes to us in network rather then narrative form. Drawing diagrams is very normal. It's normal for someone to not have enough time to communicate some essential information in a paragraph or a story, but to have time to produce a diagram that serves the purpose.

And, there's a third a historical analogy that I've been thinking about since working on this book. The heyday of conceptual art was also a time of burgeoning corporate expansion in the First World. A lot of artists at this time had temp jobs in the offices of this corporate world: What did people do in these new corporate offices? They typed things on little Index cards and A4 pages. And they needed these big file cabinets to store all the little cards and A4 pages. The world was full of files, and people pulled from these files to produce reports so that others might make use of these Index cards and A4 reports.

Skip ahead 30 years from 1964 to 1994, and you're at the IPO of MapInfo Systems. A massive amount of geographic data has been assembled since the mid-90s. Thousands of people have been employed in gathering, interpreting and representing all this data. When I was in college, I always met people who had summer jobs walking, biking, or driving along highways, ground truthing maps or getting GPS data for power lines and other infrastructure. Then after college, in the late 1990s, I had several friends who were employed to walk around New York take pictures of the facade of every building. These were originally sold to Hollywood to produce perfectly accurate 3-D models of New York for Roland Emmerich to destroy, but eventually this became Google StreetView. Now, think of the massive number of labourers engaged in this Borgesian project! Some of them (a lot of them, in the case of photographic work) are going to be artists, and this labour naturally would inform their artistic practice. So, I think this is another part of the *zeitgeist* of mapping.

NT: We're talking about the growth of mapping as a kind of zeitgeist, but one of the things that's kind of terrifying about it is the tools that are there to do this; we've got these new tools, and they're mass distributed. It reminds me of the Borges story where they draw the map that's at one to one scale with the world. That's kind of what's happening with data visualization right; we've got data, we've got maps, so now we're going to map everything under the sun. Personally, I don't care. Where are you going with all this stuff, you feel this stuff washing over you. There's just more and more, at some point you feel like you've gone to one to one scale, awash in the maps of all that is.

SS: You have to wonder what the point is?

NT: The Mark Lombardi drawings of the Iran Contra Operation are really interesting but sometimes I just don't know what to do with that information, I'm just like, yup, that's right, those are connected, and now what, I kind of knew shit was fucked up, you know what I mean . . .

AB: The Lombardi maps aren't really trying to tell you what to do.

NT: No, they are beautifully neurotic and detailed.

Activist maps

AB: Exactly! They portray the paranoia of it all being connected. That's something you can do when you're mapping connections.

NT: It's the feeling we all have, if we just get it *all* on paper we'd crack this thing, we'd solve it, and then it's all on paper and we're like fuck, I still don't feel any better.

AB: But we're talking about activist maps right? Activist maps are really for a leftist audience, and anyone who's a leftist now is probably suffering from this malaise that we don't know who the ruling class is. It was all so simple in the 19th century when there were industrialists and the industrialists owned the factories. You knew they were a class because they behaved like one: they all married each other, they had an exclusive space in which to live out their lives, and the rest of the space they owned.

Since the Second World War, it's become increasingly difficult to identify a ruling class that behaves like one. The post-colonial elites clearly played such a role in the national economies of the South, but since GATT 1994, it would appear that ownership of the global industrial system is effectively distributed through capital markets to most everyone in the northern countries, the southern megacities. (There are holdouts of feudalism in narco-empires and petro-states, though the War on Terror has been working to incorporate these exceptional spaces into the nets of finance.) Everyone owns a piece of something, everyone's got a share in the ownership of industrial society: if you've inherited a revolutionary project from the Victorian age, who are you supposed to overthrow? You have to overthrow part of yourself. That's where the politics of the personal came in. After you've gone through that, mapping networks becomes really satisfying in its own right. You can tell yourself that you're being strategic or tactical or whatever, but mapping power is satisfying even when it is completely vain.

NT: Activism without a giant social movement is the most peculiar existential condition, you're a pragmatist with nowhere to go, you're like, 'I'm so going to get there but I don't have any legs.' When the global protest movement was really kicking into gear those maps actually had a function because people were actually going to the places where those businesses were at, they were actually tracking and mapping power, and that's when it's interesting, when you're actually going to use the map.'

SS: How has mapping helped activist projects?

AB: The war machine exists in space. Trevor Paglan's work demonstrates this beautifully, with his projects that locate the black world of covert operations that are hidden from official existence. If actions occur, they must occupy space, they must leave traces. Groups that have mapped the war machine in their locality: and people are making use of those maps.

NT: One of the functions maps serve is to bring the war home. The fact that people are effected mostly by what's local and showing how the local reaches the global with maps is an interesting and valuable politics because people don't give a shit about things that don't effect their lives. You have to draw the lines between peoples' lives and bigger forces.

AB: Well, the war was always at home! The front may be in Iraq or Afghanistan, but the war machine is rooted at home. In the 1980s, pacifists intervened with the delivery of Trident missiles to their submarines, put their bodies on the line in opposition to the new philosophy of First Strike. The points in those interventions had to be mapped. There's [an activist] making an excellent map now of the war machine in California, locating intelligence apparatuses and points of war, material production and delivery. But it's not clear if activists today can make the same use of such a map. Because the State is prepared to just lock people away forever, certain tactics like filling jails don't make sense like they once did. The consequences of property damage being what they are, it is much safer to draw pictures.

Privitization versus property

SS: What about property? Do you think there is work in either projects that seems reflective of a useful way to think about property?

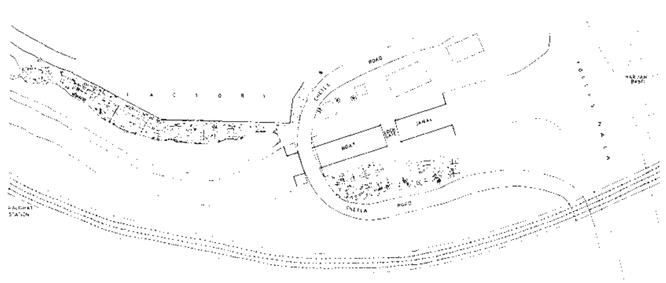
NT: I'm very influenced by the Situationists. The powerful move they demonstrated which is often lost on a lot of people is that they made the connection between the production of visual culture and spatial production. Simple things like copyright and landownership are not functionally that far removed. And property isn't just a spatial phenomenon, it's also a capitalist phenomenon; it's a way of relating to people, ideas, space, meaning. We've become so privatized that the way in which we produce meaning is often in a dynamic relation with privatization and it's difficult to resist. Something that could demonstrate this quite simply is graffiti; people think graffiti is some sort of visual culture in and of itself, but it's really a relationship to private property and derives its meaning by existing illegally in someone else's space. For the most part, being alive today is in some degree to illegally insist on someone else's space, that dynamic of being a trespasser produces a lot of what goes for cultural production.

Property is this dynamic of privatization that is running roughshod through everything that we know. This is a problem because privatization is built on a system of class exploitation that produces a surplus that runs to the few. Moreover, it treats people like units of labour and sucks the living soul out of them; property is the embodiment of a kind of system that is against the majority, and that's a problem. Architects can forget that property is built on a massive foundation of exploitation because it is the foundation of the discipline as it works right now. What would architecture or an architectural practice look like that did not assume the necessity of the property system? Shouldn't architects be constructing a practice that undermines the property system, proposes alternatives, surpasses it? We have so few truly contemporary models to draw on, what we have are the fraught histories of socialism, communism and anarchism, leftist traditions that for the most part have sunken into stereotypes and lack the force to exist as propositions for the present.

AB: Historically, property has varied from regime to regime, has come to be in specific, various ways. In the New World things are more cut and dry. We have these founding moments of property to refer to, even if they are mythical or were voided by revolutions: first the declarations by the Monarchs of Europe, and later the creation of the independent states. One of the most profoundly foundational moments in the history of property in the US was the Allotment Act in 1887, which carved up communal or informally organized Native American nations into individual plots allotted to patriarchally-organized families.[1]

SS: What is the relevance for radical cartography?

AB: The only map in *An Atlas* we have that addresses property is this map from the Unnayan, a map that potentially integrates a large number of people into a property system.[2] You'll see here this is the *Harijan Basti*, that's the settlement of "untouchable" people, and their settlement is already protected under laws established in 1947. But these people (*Lex points to the main settlement in the map*) were all refugees from the countryside, mostly from what's now Bangladesh, and they set up what Unnayan called marginal settlements, on the marginal infrastructure land, in this case, around a canal lock, or in other cases, under power lines or along major water and sewer lines. So this is a foundational map of this settlement. They are mapping where all the houses are and where all the people live. They appealed to the city to get rights for these people but not on the grounds of individual property rights, they weren't asking for individually subdivided lots. Unnayan's argument was against the technocratic discourse of housing rights in the sixties that was part of International Style architecture and modernist architecture generally, which was about people having certain needs in housing—which was bullshit. People have certain needs to be in a community, if you have a larger scope that moves beyond the human body and thinks about people being part of a community and a locality, they have needs for dwelling, and dwelling rights. Unnayan's project was all about trying to support someone's right to dwell, so they'd make maps in the language of the planning boards in order to achieve dwelling rights for people.



Unnayan, Chetla Lock Gate, Marginal Settlement in Calcutta (now Kolkata), 1984. Image courtesy of Jai Sen.

SS: A dwelling right is not about the footprint of a building or a parcel of land?

Property versus dwelling rights

AB: It's not a footprint, and, in distinction to the discourse of housing rights, it's not about the *minimal* requirements for varieties of imposed housing. Dwelling is about an individual within a whole community. Unnayan would admit that they used their maps to make appeals to the Calcutta planning board, with goals like getting ration cards and mail service for people in marginal settlements. As far as the state is concerned, these are entitlements attached to property. But if you can map a community with a concern for its commons, you shift it out of the property framework a little bit.

So thinking about how some people find it hopeful, think about Europe in 1789, what did they do? They killed all these Nobles, and created smaller plots, and made property ownership widely available... so in Europe for a long time there was this dream that was embodied by America, the idea that a common person could own property, and be like a nobleman. Then when the revolutions happened, the nobleman were reduced to the scale of the common men. Soviet forced collectivization was the greatest reinforcement of the american dream, in which the idea of property's a hopeful thing, small property ownership as the greatest protection of the common. Not that I believe in small property ownership, I lived in small communes for much of my adult life, right now I don't because it's so fucking hard to live in a commune in New York, but to me that's the ideal, but I know that given the history of Soviet collectivization, there's always going to be a strong tradition, of genuine Libertarian thought, not just a leftist-anarchist thought, definitely not a communist thought, but that's going to find the protection of property rights to be essential to liberty. Does that make sense at all?

NT: Yeah, property is like that trick, at that point it's a demarcation of space.

AB: It's more than a demarcation of space...

Coercion

NT: Alex Villar does this piece where he walks and tries to resist the function of the city. His walking pieces speak to the coercive nature of property, the way in which space is designed. It's funny when you break down what space is because it will make you claustrophobic.

AB: What do you mean?

NT: If you go on a sidewalk you're really not meant to loiter, you're meant to keep moving, you can't really go anywhere because you don't own anything, so you really either have to shop, go to work or go home and rest. These are your options in public space. Well, that is a function of property under capitalism. What is the world? It's a series of spaces, that are owned and controlled, and have functions that move you through basic ways of being in the world. So that's what his piece is demonstrating, what would it be to try to resist this machine called the city?

AB: But is the machine the city, or is it just a limited conception from Modernism? It wasn't too long ago that the city was precisely made to loiter in. Then Le Corbusier came along with his four functions--play, rest, work, and circulation. Somewhere to stop is not really part of it. You stop at home in that schema.

SS: What about ownership and property?

NT: I hate to be so basic but ownership produces power, and power produces the ability to carve up the city. It has a huge function.

AB: Since the age of exploration, mapping has been used to incorporate areas of the world into regimes of power—the imperialist project—and consequently regimes of property. Now that these tools of mapping are available to anyone, there's the question of what do with people and areas that are off the map. There've always been the people left off the map right? Now if we're not going to be agents of the empire, how can we map people in order for them to have autonomy? In the Americas now you have nation states that are developing new relationships to their indigenous people: they're figuring out how to incorporate them into the national discourse, without gestures like the Allotment Act or the Boarding Schools. Mapping has been instrumental now in creating these new relations between English property, or Spanish property and the indigenous populations.

Commons

AB: The real issue here is assembling a new actual commons, reassembling a post-imperial commons. Geographers and activists are working on this issue from two ends - within the city and in the hinterlands. And one novel aspect of this drive is reaction to aggressive protection and enforcement of intellectual property rights. Not everyone agrees that property is theft. But, with intellectual property in the digital age, most everyone can intuit it. The filthiness of intellectual property is obvious to anyone who thinks about it, whereas real property doesn't have that same obvious filthiness.

SS: So how does the commons escape that? How does it escape the filthiness?

NT: And, what is be the spatial corollary of the commons? The park?

AB: No, certainly not a park, because you can't *use* a park. I'd say a park is almost antithetical to the commons. It's just the image of the commons. You can only occupy it and leave. If you make physical use of it, say plant a lettuce start there and expect to come back in a couple weeks and get a head of lettuce, you won't. A park is zero use: what can you do, you can play football, if that's a use, which I don't think it is, it's a pastime . . .

SS: What is the cultural significance of the commons?

AB: We don't really have a shared idea about the commons, we don't have any universals, right? When was the last time there was a culture that had a shared idea of goals? Is that why there are no commons, is that why we can't all get behind a budget for creating commons because we don't have a shared idea of the commons? Or do we even want that?

To go back to the beginning of the conversation, I think we should decide if we want to go from A to B, or if we want a picture of the world, because that's the first dichotomy we had. There are maps that are lifestyle-anarchist, and maps that are picturing the world or ones that are usefully trying to go from A to B, I mean that's a fundamental distinction, and deciding what we want to do: do we want to chill in the new world, or go from A to B? And does experimental geography help us answer some of these questions?

NT: There are certain things that art does that I like, certain things I don't like, but ambiguity, the A to B to nowhere, that's a powerful role; art can celebrate the ambiguous. I think, we're both invested in the activist communities and in my opinion activist communities are a little too didactic, it would be really nice if the they could embrace the irrational, ambiguous desires that actually brought them together, exploring them more richly would produce a more robust active community. On the flip the side, the art community could clearly benefit from a modicum of criticality, like from overcome, and if only we could figure out what that is, and even if we know, and firmly believe there is a universal end, that's God, the search for trying to find those connections is so important to making action meaningful, because often we're stuck in this tradition of acting on an issue, but wanting to be more significant. It's depressing, really.

SS: Do you think that we need enemies?

AB: No, the helicopter depresses me, and the lack of clarity about what the world is depresses me, so on the one hand I respect everything about pragmatically trying to identify contemporary formations of power but in my heart what really makes me happy is when there's a completely alternate vision that either profoundly illuminates what is going on right now, right here for you—you know exactly what's going on, what you're supposed to do. Or, just the right escape. It's hard for me to talk about this in terms of mapping. As I'm saying this I'm thinking that so much of where I'm getting this from is so obvious, it's from science-fiction novels. What I'm really talking about is sci-fi novels. Maybe sci-fi novels are radical cartography. Lize would hate that, we can't say that, but I'm talking about it. Sci-fi novels show us new worlds, the good ones, but they are always at the same time clarifying the present.

NT: I hate to be so coy about this, but I do believe in this privileging of space inasmuch as we need to produce spaces where the imaginary of a world is possible. Don't put the cart before the horse right, we need to make a place where these visions can be made. But right now we're just running on auto pilot, like… fuck.

Alexis Bhagat is a writer who operates in the art world. He lives in New York.

Nato Thompson is a curator at the New York-based public arts institution Creative Time.

Notes

1. The Dawes General Allotment Act, enacted February 8, 1887, regarding the distribution of land to First Nations in Oklahoma. The act, ammended as the Burke Act would set precedent for land seizure across the United States. Over the course of the Act's 47 year life span First Nations lost roughly 90 million acres of treaty land and about 90, 000 people were made landless.

2. See *An Atlas of Radical Cartography*, eds. Alexis Bhagat and Lize Mogel (Los Angeles: *Journal of Aesthetics and Protest* Press, 2007); see also *Experimental Geography: Radical Approaches to Landscape, Cartography, and Urbanism*, eds. Nato Thompson and Independent Curators (Brooklyn: Melville House Publishing, 2008).

Familiar Site
Eindhoven, The Netherlands

by Vincent Wittenberg

In April 2009, over a hundred houses were demolished in the district Woensel-West as part of an urban renewal plan. The site would remain closed off by a typical construction fence until the start of the new housing development in 2011.

During a research on how to reintegrate the fenced-off area into the neighbourhood, designer Vincent Wittenberg became inspired by the many fences in the front gardens of the houses. When it comes to form, the garden fences and the construction fence have a lot in common. The main difference lies in what the two types of fences communicate. A garden fence does not only divide but also announces something.

Wittenberg proposed to replace the existing construction fence by an enlarged copy of one of the demolished garden fences, including 2 gates. By doing so, the anonymous gap became a familiar site, the largest front garden in the neighbourhood. Volunteers from the neighbourhood built the 180-meter fence in one day.

This intervention at the border of the terrain literally restored the space to the neighbourhood. The former gap is now a public space with allotments and a playground.

Vincent Wittenberg is a designer from the Netherlands. In 2009 he graduated at the Design Academy Eindhoven in Space Design. He is always looking for the latent potential of a location, and considers design less in terms of creation than in terms of discovery of hidden possibilities.

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With support of: Buurtondernming Woensel-West, Trudo, DNC

Photographs by Vincent Wittenberg

House Magic: an Incomplete Timeline of Occupied Social Centres Around the World

by Alan W. Moore

House Magic is a project exploring the movement of squatted social centers (also called OSCs or Occupied Social Centers). These ventures in creative activism have been going on for many years in many countries as activists and artists work together to create spaces (mostly) within the city—spaces in the "cracks"—as platforms for social, political and cultural events. These OSCs are not entrepreneurial ventures (created to make money) and they are not under the supervision of the state.

House Magic offers a chance to explore an idiosyncratic archive devoted to the experience of the social center movement in London, Amsterdam, Madrid, Zurich, Hamburg, Barcelona and Ljubljana among other cities. This project relies on a variety of mediums to document an often ephemeral history: photo, hearsay, websites, publications.

The project coincides with a rising tide of action and discussion around squatting in the U.S.A., and the sharing of strategies regarding urban gardens and farms, land occupations, infoshops and other countercultural formations. This kind of creative activism has been called "prefigurative." It is about actualizing another world, making the change you want to see. It also coincides with a way of making art—participation, social sculpture—which is not so much theorized as acted upon, that is, enacted continuously over time and outside institutional confinement. It is all part of increasing the historical consciousness of an emerging 21st century tradition of building a just, sustainable society.

The House Magic: Bureau of Foreign Correspondence exhibition opened in Spring of 2009 at ABC No Rio, a longtime cultural center on the Lower East Side. A suitcase version traveled to Chicago for the "Nfo Xpo" at Version Fest '09. In the Summer, "House Magic" was remounted at the Sculpture Center in Queens as part of the University of Trash. The project continues as a growing archive, collecting stories and documents, books, downloads, still and moving pictures with a commitment to display when ever possible. In 2010 "House Magic" showed at Basekamp in Philadelphia, Ides of March at ABC No Rio, and the Anarchist Book Fair in NYC. Moore attended the Squatting Europe Research Collective (SQEK) conference in London and researched in Hamburg. He blogs the project at "Occupations & Properties."

Mainzer Strasse squats
Berlin, Germany
?–1990

In November of 1990, a year after the fall of the Berlin Wall, thousands of police faced off against hundreds of squatters in a days-long street battle to evict the dozen squatted houses in the Mainzer Strasse of Berlin. The twelve houses had twelve different scenes. In some houses were mostly East Germans, in others "Wessies." There were houses with punks, political freaks, refugees, etc. In every house there were activities: pubs, Volxküche (people's kitchens), a bookstore with left literature, infoshop, and the "Forellenhof," a pub in Tuntenhaus that staged some unforgettable shows of drag queens during its short existence. The non-squatter citizens on the street watched the hustle and bustle with mixed feelings. Some organized themselves into a citizens' initiative against the squatters because the noise and strident banners (especially the Gay House) were getting on their nerves.

These citizens continually assailed the politicians and administrators calling for eviction. When it came, the eviction was epic, with stone throwing, tanks and water cannons, barricades, riot gasses and stun grenades, a flaming trolley car, and over 100 street battles. During these days, the squatters received assistance from many in the community, like a donation of gas masks from a retired firefighter.

Today the district of Friedrichshain in former East Berlin has changed from a drab residential area to a lively diverse neighbourhood with many cultural and political survivals from the days of the squatters.

Excerpt and redacted from Google translation of:
umbruchbildarchiv.de/bildarchiv/ereignis/141190mainzer_strasse.html

See also:
1. Autonome in Bewegung: aus den ersten 23 Jahren. (Berlin: Verlag Assoziation A, 2003). "Mainzer Straße -10 Jahresrückblick beim Streßfaktor und in der TAZ"

ESC Atelier
Rome, Italy
?–ongoing

This space has an extensive website, but an account of their history is absent from it. By hearsay, it is important in autonomous organizing against institutional education, since it is located near a major university. The LUM project (Libera Università Metropolitana) both serves and organizes students there, along the lines of the initiatives represented on the Edu-factory website. ESC also hosts concerts, art exhibitions, a free wireless area, internet radio, services to immigrants, precarious workers, sex workers, and advocates for the legalization of marijuana.

See also:
1. eipcp.net/transversal/0508/esc/en.

image credit: Anton Van Dalen

Lower East Side squatter resistance movement
New York City, USA
various houses and gardens
1970s and '80s–2002

In the face of extensive landlord abandonment of tenement buildings on the Lower East Side of New York City, activists and local residents banded together to take over buildings. At first they worked under city-sponsored "homestead" and "sweat equity" programs, but as these ended and properties in the district were returned to a highly speculative private market, an internationally networked squatting movement claimed "adverse possession" rights to many buildings. The movement reached a high pitch of street fighting antagonism in the 1988 Tompkins Square riot. While most of these occupations were lost, in 2002 a number of squats were legalized as low-income coops.

At the same time, the community garden movement created social and cultural space in neighbourhoods throughout the city on the vacant lots where apartment buildings had been knocked down. These two complex movements intertwined.

See also:
1. Clayton Patterson et al., eds., Resistance: A Radical Social and Political History of the Lower East Side. (New York: Seven Stories Press, 2007). Squatters' Rights Collection, Tamiment Library, New York University

Centro Sociale Leoncavallo
Milan, Italy
1975–ongoing

Leoncavallo is the most famous self-managed social centre in the city. The social centre moved to via Watteau from via Leoncavallo in the Casoretto district in 1994. Today the new centre (now called Leoncavallo S.P.A, spazio pubblico autogestito [self-managed public space]) houses a publishing house and bookshop, a legal helpdesk for immigrants and is the headquarters of six associations. Three hundred and fifty concerts a year are held there, together with an international cartoon fair, 96 theatrical performances and 100 film screenings. It also transmits Radio Onda d'Urto 18 hours a day. The centre receives 100,000 visitors a year and has a significant turnover, the profits from which are fed back for "cultural initiatives."

Excerpt from:
turismo.provincia.milano.it

See also:
1. it.wikipedia.org/wiki/CS_Leoncavallo (in Italian)
2. Andrea Membretti, "Centro Sociale Leoncavallo: The Social Construction of a Public Space of Proximity" (2003). in Republicart at republicart.net/disc/realpublicspaces/membretti01_en.htm

Binnenpret
Amsterdam, Netherlands
1984–ongoing

On February 10, 1984, these 19th century draw horse stables in the Oud Zuid (Old South) area of Amsterdam were squatted as part of the "Day of Unrest," organised by the Amsterdam squatters' movement. This was a protest against the imminent eviction of the huge "Wijers" squat complex to build a Holiday Inn hotel. Wijers was evicted four days later by a force majeure of the police, who had great difficulty due to the passive resistance of 1500 to 2000 squatters.

People active in Wijers came to the new squat after the eviction. Together with squatters from the Schinkel area Hoofddorpplein, and in cooperation with the De Meerpaal center (now Cascade), they organized rental assistance hours and a youth help center. In those early days, the complex offered space to initiatives like the sauna Fenomeen (Phenomenon), the toddler playground Binnenpretjes (now in Cascade), Moroccan youth center Chabab, bicycle workshop Farafina, music studios, the OCCII concert hall, the Kasbah café, the children's theatre space Wijnand Stomp (adopted by Teatro Munganga in 1988), the info centre Bollox, restaurant Zorro's Zion (already active under the same name in Wijers), later The Byre, now MKZ; five artists' spaces, a few homes and a lush green courtyard. From the beginning, efforts were made towards maintaining a horizontal organizational structure, although there were many strong conflicts over space.

In 1989, Amsterdam began the "Clean Ship" campaign in which all publicly owned squats were asked to negotiate. De Binnenpret finally reached a rental agreement. Try to remain independent, changing from squatter to tenant!

In the '90s, the way of life with which the squat group in the Schinkel neighborhood had grown up was vanishing. It was no longer easy to get welfare money ("Do they owe you a living? Of course they do, of course they do!"), and the many volunteers made way for jobs subsidized by the state but paying below minimum wage. The business initiatives beginning in 1984 have grown and thrived. Gradually, more initiatives grew, especially for the youth from the neighborhood. Binnenpret had focused on neighborhood-oriented and accessible activities from its inception. Many Binnenpret people live in this neighborhood, and they attract other local residents. Also, as the state jobs are over, the volunteers are back again. De Binnenpret is still going strong after 25 years, as shown by the weeks of festivities marking that occasion in February of 2009.

Excerpted and redacted from website's translation of:
xs4all.nl/~binnenpr/gesch.htm

RHINO
Geneva, Switzerland
1988–2007

The RHINO squat occupied two buildings on the Boulevard des Philosophes in downtown Geneva, a few blocks from the main campus of the University of Geneva. RHINO housed about 70 people before its evacuation in July 2007. RHINO stands for "Retour des Habitants dans les Immeubles Non-Occupés" (in English, "Return of Inhabitants to Non-Occupied Buildings"). The project also operated an independent cinema in its basement, the Cave 12, as well as a bar, restaurant and concert space on the ground floor called Bistro'K.

The two buildings' facades were often decorated with protest art, and leftist political messages. The buildings were instantly recognizable by the large red horn installed on the wall. This horn was the first target of police when they evicted the inhabitants on July 23, 2007.

Redacted from:
en.wikipedia.org/wiki/RHINO_%28squat%29

see also:
1. rhino.la/
2. Discussion with Michel Chevalier. in "House Magic" zine catalogue #1 at: sites.google.com/site/house-magicbfc/house-magic-bfc-zine-1

Rote Flora
Hamburg, Germany
1989–ongoing

Built as a theater in 1888, the building that today houses Rote Flora in the Schanzen district of Hamburg survived the Second World War. After two decades as a department store, there began a controversy over its further use. Several groups obtained a short term lease. The city soon revoked it, but the groups continued as squatters in the Rote Flora. In autumn of 2000, the Senate of Hamburg began negotiations for a new lease. The question became a political issue, and the building was sold to an entrepreneur.

The Rote Flora had its 15th anniversary in November 2004. It was used as a convergence center for the Anti-G8 protests in Germany in 2008, and for several congresses, political meetings and cultural events. The main issues addressed in Rote Flora are immigration, nationalism in Germany, and privatization of public space. The front part of the building still serves as a space for political, often very subjective and propagandistic, messages. Rote Flora organizes art exhibitions, working with artists from all over the world. In addition to serving as a meeting point for left-wing movements, the Rote Flora organizes flea markets, parties and cultural events, and a wide range of alternative music such as punk, reggae, ska, dub, drum 'n' bass and goa. The Rote Flora is mainly financed through donations and parties.

Redacted from:
nadir.org/nadir/initiativ/roteflora

See also:
1. Chevalier in "House Magic" #1. cited above.

Tacheles
Berlin, Germany
1990–ongoing

The Art-Centre Tacheles is situated in a partially destroyed building in central Berlin (called Mitte). Located in former East Berlin, the area was a Jewish quarter in the past and has now become a meeting point for people interested in arts and culture. The building was part of a huge shopping mall built in 1907. During the war, air raids damaged the building, and it was never rebuilt. After the fall of the Berlin Wall in 1989, the building was taken over in February of 1990 by a group of young artists from many countries. It rapidly became a center for performances and concerts, theatre, visual art exhibitions, workshops, poetry and special events.

As an international art centre, Tacheles influenced the surrounding area both positively and negatively. By now the once creative community has mutated into a trendy quarter. Tacheles has been recognized by the Berlin government, and receives a varying yearly subsidy to help finance some of its many projects. Other money is raised through commercial enterprises such as the cinema and the bars. Recently the yard has been built up with temporary artists' studios and shops.

Because of its special historic architecture, the dramatic "ruin appearance" of the rear side, and its years of activity in the international arts, "Kunsthaus Tacheles" is now well known, and listed in many travel guides of Berlin. In the course of changes since the Wall came down, Tacheles has been confronted with the difficult challenge of remaining true to its roots and ideals without becoming too sentimental about the old squatter times.

Excerpt and redacted from:
super.tacheles.de/cms

56a Infoshop
London, England
1991–ongoing

56a Infoshop was born in June 1991, sharing a squatted space with Fareshares food co-op (purveyors of whole foods and organic vegetables since 1988). After a dark period of no electricity and possible eviction, 56a now has a 10 year lease from the local housing council. Both the Fareshares Food Co-op and 56a Infoshop have been renovated. 56a houses a zine library (including a Europe-wide archive of anarchist, political and squatting activism in the '90s and '00s), with some items and their own publications for sale. The collective hosts reading groups, "cafes" or get-togethers, a small exhibition space, practical squatting meet-ups, film screenings and radical history walks.

Redacted from:
56a.org.uk

CoolTan Art
London, England
1991–92; 1992–1995; 1997; 1998;?

CoolTan Arts took the name from the disused CoolTan Suntan Lotion factory squatted in Brixton in 1991. The group was evicted in '92, and the building was razed to the ground. The collective then moved to a vacant unemployment office building, called the "Old Dolehouse." There more local people became involved, and the co-op evolved to offer an art space, a café, office space for campaigns, rehearsal rooms, darkrooms, low-cost workshops, and a string of serious techno parties. (The last ones saw more than 1,500 people attending.) Among the campaigns hosted were: Reclaim The Streets, Earth First!, various Green Party groups, and London Friends of Travellers (UK nomads). The squat was also the epicenter of agitation against the Criminal Justice Act which outlawed public rave parties. Numerous cultural projects began in this milieu, including the Exploding Cinema, a "hybrid fusion of projection, performance and social space," and CoolTan CUT Arts arts courses for people with mental distress. A key organizer, Shane Collins, later entered political life, running as a Green Party candidate. He said of the CoolTan era, "All of us worked our butts off, not for ourselves, but for the benefit of all. A bunch of often quite different people on the dole came together and we did it. A totally independent community arts squatted centre."

Redacted from:
urban75.org/brixton/features/cooltan.html

Rozbrat
Poznań, Poland
1994–ongoing

A strongly socialist "freedom movement" in Poznań sought to have their own space. They chose a vacant warehouse in an industrial area. At first the squat was residential, a commune or intentional community. But nearly every resident was somehow active in social activity. Music has always been important at Rozbrat, and concerts were organized very early at Rozbrat (1995 with Oi Polloi of Scotland), although the program began slowly because the space was dangerous. As the building was improved, the character of the place started to change and it became an independent culture centre. The collective widened from a closed group to a wider coalition. In 1997 the Anarchist Federation began working at Rozbrat. "Liberation Feasts" are forum meetings to decide on issues at the occupied social center (OSC). The "Lame Mule" (Kulawy Mul) is a space adapted for recitals, poetry evenings, discos and lectures, and has more recently served as an art gallery. In 2005, a new cafe bar next to the Gallery was created, it is a chillout zone. Rozbrat continues as a centre of independent culture in Poznań – without subsidy or sponsor, "outside of the system… for ourselves."

Redacted from:
rozbrat.org/our-activity/157-rozbrat-squat

See also:
1. House Magic #2

Laboratorio
El Laboratorio 1—1997–1998
El Laboratorio 2—1999–2001
El Laboratorio 3—2002–2003
Madrid, Spain

A 2007 video documentary shows the development and end of this influential social center ("Laboratorio 3, ocupando el vacío"; subtitled in English "L3, filled the vacuum", on DVD and Torrent download.) The documentary presents the history and activities of the OSC in its third space, concentrating on experiences of participants and cultural activities. While vague on specifics (and the OSC's websites are long gone), the video shows the spirited tactics and media-friendly displays of Spanish direct action squatters. Managed by assembly, Laboratorio was concerned to establish a space of social relations in the neighborhood of Lavapies, and to serve youth needing housing in a period of brutal housing speculation in Spain. They

sought also to create cultural life and neighborhood participation that was not imposed by institutions. Many from the Laboratorio occupations are active today in the state-approved Tabacalera social center in Madrid.

Redacted from:
1. es.wikipedia.org/wiki/Centro_Social_El_Laboratorio. labuenanoticia.com/node/547
2. "Laboratorio 3. ocupando el vacío" (DVD, PAL, Traficantes de Sueños; English subtitles)

See also:
1. "Occupations and Properties" House Magic project blog

Prestes Maia
2002–2007
São Paulo, Brazil

The Prestes Maia was the largest squatted high rise building on the South American continent. Originally 468 families, united in the Downtown Roofless Movement (Movimento Sem Teto do Centro or MSTC) of São Paulo, and lived in the 22-storey high-rise since 2002. There were approximately 250 families and the numbers varied as people moved in and out. The building had been closed and left in a rundown condition for years, like many buildings in downtown São Paulo. The new residents cleaned out tons of rubbish, and expelled drug operations and criminals. It contained a free library, workshops, and hosted autonomous educational, social and other cultural activities. In the last few years of the squat it was a laboratory for experiments in the bottom-up urban renewal of downtown São Paulo. People of all ages and classes, from all Brazilian states and other nationalities, including artists and students, all worked together. The 250 families comprised more than 1600 previously homeless people, including children, elderly and disabled. Evicted 2007.

Redacted from:
en.wikipedia.org/wiki/Prestes_Maia

See also:
1. Andre Mesquita article in House Magic #2

rampART
London, England
2003–2009

At 5am on Thursday, 15th October, 2009, the rampART Creative Centre and Social Space was evicted by 45 police with chainsaws and, remarkably, a Church of England vicar. Three people and a dog were inside. The eviction marked the end of nearly five and a half years of occupation, during which rampART served as a landmark for the social centres movement in London and a venue for a diverse range of events including political meetings, workshops, info cafes, fundraising parties and the London Freeschool.

The eviction, significantly, happened on the same day that Non Commercial House, a freeshop operating out of a building on nearby Commercial Street, lost their case against eviction and a week after the collective occupying 2a Belgrade Road in Stoke Newington successfully defended the space from eviction by council bailiffs.

Excerpt from:
therampart.wordpress.com

See also:
1. liftnhoist.ucrony.net
2. House Magic #2
3. What's This Place: Stories from Radical Social Centres in the UK and Ireland (2008) at socialcentrestories.wordpress.com

Patio Maravillas
Madrid, Spain
2007–2010

Patio Maravillas was a multi-purpose autonomously-governed space in central Madrid. The former school, closed for seven years, was in the Malasaña district. Different activities were organized to involve people living in the neighbourhood. Access to permanent activities was free, such as: the Bicicritica bicycle repair workshop, video and documentary screenings (Cinema Maravillas), an internet room and hacklab, a cafeteria that served as a meeting point for cultural and social exchange, English classes, remedial classes, a storytelling and creative writing workshop, subversion point (political and feminist discussion), the "chikiasamble" (children's activities and games room), a photography workshop (Foto Patio), legal advice, rap workshop, and more. There was also theatre, painting, music, audiovisual, and immigration groups that met, rehearsed and carried out their activities. Also, concerts, exhibitions, neighbourhood meetings, talks about health and consumer issues, and meetings of different groups took place. At the time of writing, the collective has occupied a new space, at Calle Pez número 21.

Redacted from:
en.wikipedia.org/wiki/Patio_Maravillas

Alan W. Moore writes on artists' groups, cultural districts and cultural economies. He worked with the artists' groups Colab and helped start the cultural center ABC No Rio in New York. He is presently running the "House Magic" information project on self-organized occupied social centers.

Death Grip: Scapegoating the Subprime Loser by D.T. Cochrane

President and new administration – why don't you put up a website to have people vote on the internet, as a referendum to see if we really want to subsidize the losers' mortgages? This is America!

—Rick Santelli, CNBC analyst,
live from the Chicago Mercantile Exchange

Introduction

The word subprime seemingly came from nowhere. After eleven years of circulating almost exclusively in the business pages, 'subprime' showed up in a front-page headline of a major American daily for the first time on February 20, 2007 in the *Denver Post*. Current use of subprime typically describes a type of loan or a type of lender, but the word actually designates the borrower. Prime refers to the qualities of a borrower who has met the standards of credit lenders, while subprime borrowers fall short of those criteria. These standards divide borrowers into winners and losers and must be understood as part of American moral codes of obligation and personal responsibility, which play an important role in capital accumulation. Examination of the word subprime and its relation to other financial operations allows us to see how morality functions as part of the capitalist financial architecture. Subprime is first deployed in the extension of credit to designate a sub-class of borrowers who are vulnerable and therefore risky. The recent financial crisis, better understood as a crisis-for-some, was precipitated by the pursuit and capture of ever more of these borrowers. This endeavour was motivated by the higher returns associated with risky borrowers and justified by the belief that new financial instruments had made the high risk more manageable. Once the term had been invented, it then operated within the interactions among borrowers, lenders and other relevant institutions to protect the value the new debts that constituted assets for the lender. A propensity to moralize can be found in the language of both debt-collectors, who harangue defaulters to honour their debts, and the pundits, who decry efforts to assist the losers. In both instances, it functions to protect the asset-values of the lenders.

This description of how moralization functions as a feature of capitalism is based on an entirely different understanding: it considers capitalism as a mode of power rather than a mode of production.

1
Ownership, value and the crisis

The basic facts of the so-called financial crisis are well known: the demise of Bear Stearns, Merrill Lynch and Lehman Brothers; the government protection of AIG, Freddie Mac and Fannie Mae, as well as GM; billions on bailouts for the banks. However, what has been little considered is the role the financial tumult has played in altering the makeup of ownership within capitalism. Although many commentators have criticized the government bailout as a form of nationalization, the actual structure of ownership and its relationship to the valuation of a corporation has gone largely undiscussed. Much has been made of the collapse of share prices of the big banks. Between August, 2007 and February, 2009 both Citigroup's (C) and Bank of America's (BAC) share prices dropped more than 90 percent. The other two members of the Big 4 – JPMorgan Chase (JPM) and Wells Fargo (WF) – fared better, but both still lost more than 55 percent. In addition to the drama of the stock market's treatment of the Big 4's, the media focussed on the US government's intervention with what would prove to be the misnamed Troubled Asset Relief Program (TARP). Although the plan was originally intended to arrange for the government to purchase the toxic assets no one else would buy, the money was used to buy preferred shares of the financial intermediaries. However, what was not explored was the relationship between the two moves, which relates to ownership and valuation.

The value assigned to a corporation, its market capitalization, is the present value of expected future earnings discounted for the risk that expected earnings will not be realized. The value will increase either as the expected earnings increase or as the assessed risks to those earnings decrease. For the financial intermediaries, this value is mostly comprised of the loans extended to borrowers and the capacity to facilitate financial operations. The expectations of earnings and risk associated with these assets were reassessed as US housing prices levelled off and borrower delinquencies began to rise. A slow decline accelerated as worst-case scenarios were realized. The markets for securities backed by mortgages seized up and left banks holding what had become worthless assets. Despite the fact that the overwhelming majority of borrowers continued to make their payments, market participants fled from mortgage-backed securities. With reduced expected earnings and increased risk assessment, the capitalization of the banks fell.

Total capitalization is captured in the values assigned to all claims on future earnings, which can generally be classified as either debt or equity. Equity is further divided in preferred and common shares. The price of common shares has garnered the public's attention, but the government purchased preferred shares through TARP. As the government purchased preferred shares, putting forth another claim on future earnings, the remaining portion of future earnings available to holders of common shares decreased and the price fell further. Did the fall in common equity value completely offset the increase in the preferred share value? If it did, then the change in the structure of ownership had no effect on either expected earnings or the assessed risk of the financial intermediaries, which is the outcome that mainstream economic theory would predict. That was not the case. As the government bought into the corporations the value of common equity fell less than the increased value of preferred shares. From the first quarter of 2008 to the first quarter of 2009, the value of preferred shares for the Big 4 increased $174.3 billion. The value of common shares fell by $123 billion, for an overall increase in capitalization of $51.3 billion: 2.1 percent growth. However, in order to grasp the meaning of these quantitative changes we need to consider the theory of capital as power.

Notes

1. 'Marginal' is used here in its technical, with no normative connotation. According to neoclassical economic theory, workers will continue to be added to a system of production until the wage paid to the worker equals the value-added by that worker. This means the wages of all workers are set by the worker at margin. A symmetrical argument is made about interest as the returns to capital and the value-added by machinery.

2. Jonathan Nitzan and Shimshon Bichler, *Capital as Power: A Study of Order and Creorder* (London: Routledge, 2009).

3. Nitzan and Bichler, *Capital as Power*, 228.

4. Nitzan and Bichler, *Capital as Power*, 280.

2
Power, accumulation and redistribution

The architecture of capitalism is designed for accumulation. The actual meaning of accumulation is both murky and problematic. Advocates and critics of capitalism can be distinguished on the basis of what they mean when they talk about it. Neoclassical defenders view accumulation as the outcome of profit-seeking for hedonic maximization of utility. Competition is meant to ensure that all factors of production earn returns in proportion to their marginal contributions:[1] wages for labour, interest for capital. Profits are defined as earnings greater than marginal contributions and, by definition, will always be temporary and dissipated by consumption. Marxist critics view accumulation as a goal for its own sake, and they see it as the exploitative appropriation of a surplus-value generated by labour. Pecuniary profits are rolled over into productive capacity, so that monetary and 'machine' accumulation act as two sides of the same process. For the neoclassicists, utility is the fundamental building block of the capitalist architecture. For the Marxists, it is labour-value. Like Marx, this essay emphasizes accumulation as the defining goal of capitalism. However, it follows the theory of Jonathan Nitzan and Shimshon Bichler, who return to the importance of ownership and private property in the process of accumulation.

According to Nitzan and Bichler the most important feature of private ownership that it excludes people other than owners from making use of property.[2] Accumulation derives from an owner's right to exclude others and from his or her "ability to exact terms for not exercising that right."[3] One of the features to distinguish capitalism from other social orders that included private ownership is the mechanism of assessing accumulatory success in quantitative terms: capitalization. Capitalization allows a price to be attached to an asset based on the earnings it is expected to generate. Capital enters when value is assigned to ownership itself rather than simply the asset controlled via that ownership. This renders ownership divisible and vendible. The owner of an orchard need not rely upon each year's harvest to reap the rewards of ownership. Instead, she could sell a portion of the ownership of the orchard to someone else who will then share in future profit, while the orchard itself remains undivided and in the same hands. However, what determines the assessed value of the orchard? The standard perspectives claim that the value is ultimately dependent on the orchard's productivity. Nitzan and Bichler remind us that the valuation is grounded in the fact of ownership and the right of exclusion. If the owner of the orchard were unable to prevent anyone who wanted an apple from gaining access to the orchard, its effective price would be zero. However, once ownership is established, valuation depends on the entire social milieu within which the orchard functions. How popular are apples? Is there a stigma attached to eating them? How extensive is the transportation system? None of this can be reduced to either labour or productive capacity. Figure 1 compares the employees, productive capacity and valuation of Apple Inc. and Kraft Foods Inc. The numbers above each set of bars is the ratio of Apple to Kraft for that factor. Kraft has almost three times as many employees and four times as much property, plants and equipment. Yet, Apple's capitalization is more than 2.5 times greater. If value and capitalization are determined by the complex social environment of the corporation, then accumulation depends on altering the social environment, which can include the components of the corporation itself. For Apple, this means not just improving the productivity of its work force but targeting particular high-spending market segments, creating a personality cult around CEO Steve Jobs, focusing on design aesthetic and much more.

Of course, no corporation is engaged in the struggle to change the societies in which it operates without a challenge from both other corporations and other members of those societies. Achieving that change to one's own benefit is power. Capitalism is not unique in being comprised of a hierarchy of combatants seeking to impose their design upon the social order. Hence, Nitzan and Bichler argue that every hierarchical social order is not a mode of production, but a mode of power.[4] What sets capitalism apart is its use of capitalization as a universal determinant of success. However, as a power process, capitalization does not have meaning on its own. There is no absolute register against which accumulation may be judged as successful or unsuccessful. Rather, the ongoing change in capitalized value can only be assessed as a matter of differential comparison. This means periods of success can be realized even in times of crisis, when absolute values are falling. If a corporation's capitalization decreases by 10 percent when the market as a whole falls by 15 percent, that is accumulatory success. At the same time, simply growing does not mean a corporation is successful if that growth is less than the rest of the market. The business press assumes this 'beating the average' yardstick as the measure of success.

With this in mind, we will return to the accumulatory trajectory of the Big 4 during the financial crisis. The banks grew in absolute terms, but that growth becomes even more stunning when considered in differential comparison. While the Big 4 grew by 2.1 percent from the first quarter of 2008 to the first quarter of 2009, over the same period the total value of all publicly traded corporations fell by 24.4 percent. The financial intermediaries (FIRE) as a whole fell by 13.6 percent. Note that because the market as a whole fell by more than FIRE, the financial intermediaries still enjoyed differential success over that period.

A picture of differential success for the Big 4 emerges in Figure 2. Between the first quarter of 1999 and the third quarter of 2007, the cumulative annual growth rate of FIRE's share of total market capitalization was 4.9 percent. The rate for the Big 4 was 6.7 percent. Between the third quarter of 2007 and the end of 2009, while FIRE had lost some ground, the Big 4 continued to grow at the slightly reduced rate of 5.3 percent. Within FIRE, the Big 4's differential growth increased from 1.7 percent to 5.4 percent. From the perspective of Nitzan and Bichler's theory of capital as power, the Big 4 have jointly grown more powerful over the period of supposed financial crisis. How have they achieved this? Unfortunately, the answers to that question escape us at the moment. The only thing we can say for certain is that the answer will not be found solely in either the realm of labour and production or some unknowable realm of universal and homogeneous human desire. Instead, it will require the far-reaching consideration of a myriad of social institutions, including the regimen of moral codes. Setting the stage for such an analysis means considering how moral codes have factored into the establishment of value and the role they play in accumulation.

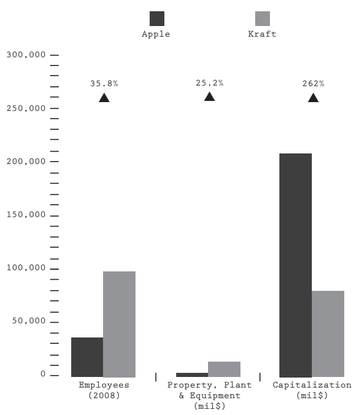
Nitzan and Bichler have argued that the distinction between politics and economics is meaningless from the perspective of accumulation, as the institutions and social practices typically assigned to the realm of politics become a part of capital when they contribute to processes of accumulation.[5] Similarly, systems of morality are indistinguishable from the economy. Moralizing discourses can be seen through the entirety of American political and economic history, and debt acts as *the* focal point of that discourse. The word subprime reveals how the moral discourse of debt disciplines debtors and keeps them within the sphere of assets that make accumulation possible.

5. Jonathan Nitzan and Shimshon Bichler, "Capital Accumulation: Breaking the Dualism of 'Economics' and 'Politics,'" in *Global Political Economy: Contemporary Theories*, ed. Ronen Palen (London: Routledge, 2000).

3
'Purifying the mercantile air.'

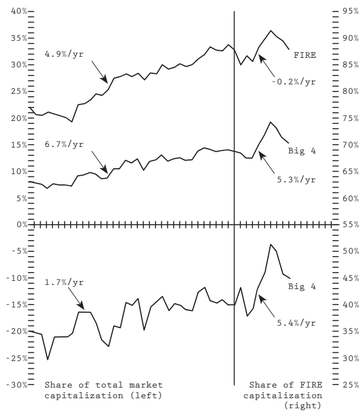
Among the American founding fathers, lending at interest was largely uncontroversial as long as the rates were reasonable and the borrowed funds were for productive purposes.

Figure 1: Capitalizing what? Comparison of Apple and Kraft



DATA: Property, plant and equipment and capitalization: 10-Qs for first quarter of 2010; Employees: 10-Ks for 2008. All are available through EDGAR.
NOTE: Figures for employees are the number. Figures of property, plant and equipment and capitalization are in millions of dollars. The ratios are the figures for Apple divided by the figures for Kraft.

Figure 2: Setting the market on FIRE: Differential accumulation of FIRE and the Big 4, 1999–2009



DATA: Datastream.
NOTE: Figures represent the cumulative annual growth rate for periods demarcated by the vertical line at the third quarter of 2007.

The Puritans effected an important moral shift by levying condemnation for non-productive borrowing squarely upon the borrower. For example, the preacher Cotton Mather ridiculed those who "bring Debts upon themselves, in such a manner, and in such a measure, that Folly nothing short of Criminal, is to charged upon them."[6] (Similar objections were expressed by secular intellectuals such as Thomas Paine. Their view was that "credit made freely available... encouraged people to spend beyond their means, to consume rather than invest."[7]) Despite Mather's objections to certain purposes of indebtedness, the communal aspects of his Calvinist theology came through with an invocation of the debtor's plea from Matthew 18:26: "Have patience with me, and I will pay thee all I owe." Where Mather urged the creditor to show some compassion and be willing, for the sake of the country, to forgive some debts, fellow preacher Samuel Moody, argued that "failure to pay one's earthly creditors created... a spiritual debt."[8] Moody expressed the dual nature of the debt relationship—financial and moral—that would form the pivot in arguments for and against bankruptcy laws.

Efforts to establish a federal bankruptcy law began with the US Bankruptcy Act, passed in 1800 and repealed in 1803. A second act passed in 1841 was repealed two years later. The issue exposed a deep divide within public and among politicians. On one side were those who felt it morally wrong to absolve debtors; on the other were those who felt it economically wrong to force men to endure an irredeemable debt, stymieing their productive potential. An attempted compromise position was advanced by those in the second camp. The sponsor of the 1841 bill asserted, "Let the *moral* obligation remain... It is the legal liability only which is touched."[9] This contributed to the decidedly American myth of the discharged debtor who makes good and goes back to honour his moral debt.

Not every thinker of the era retained moral sentimentality toward the debt relation. Jeremy Bentham justified the complete removal of interest ceilings and accused those making moral arguments against usury[10] of relying on "blind custom" which lacks "anything of steadiness or uniformity."[11] Bentham's individualism led to the stance that no lender or borrower ought to be restricted from entering on any terms into what he considered a strictly economic relationship. He was theoretically astute and cognizant of actual debt relations in his observation that a borrower who is unable to find a lender at the rates prescribed by the law may end up borrowing on even more disadvantageous terms in the black market.[12] Bentham's ideas had influence among sections of the American business class. One writer observed that the "mere moral obligations to pay money" were contrary to the utilitarian maxim that "the good of the few must yield to the good of the many."[13] However, such opinions were hardly the in the majority at the time, given the short lives of the first two federal bankruptcy acts.

Regardless of how the debt-relationship was being constructed in terms both moral and economic, the debates demonstrate the creation and reordering of the institutions of debt and morality. Despite attempts by some businessmen to distinguish an economic realm dictated by rationality and efficiency, morality remained a vital feature of the debt-relationship in both discourse and practice.

One of the most important innovations of the 19th century moral economy of debt was the credit bureau. Founded in 1841, the Mercantile Agency was the first business whose explicit mission was to sell "information with regard to the credit and affairs of every man of business." According to Scott Sandage, the agency "established itself as a national bureau of standards for judging winners and losers."[14] The agency's founder, abolitionist Lewis Tappan, explicitly sought to bring morality back into the marketplace. He believed that business surveillance "checks knavery, & purifies the mercantile air."[15] Although the bureau was established during the 'avalanche of printed numbers,' when individuals were being categorized and enumerated in social statistics,[16] it relied on qualitative reports as "Americans had not learned to think of one another as mere numbers."[17] Tappan initially relied on his network of fellow anti-slavery activists, who also subscribed to strong moral codes but were well-placed in the world of business. Reporters for the agency would send detailed reports on the 'three 'C's' of an individual—capital, character and capacity. Through such assessment, Tappan believed future creditors could judge someone's potential and therefore determine what level of risk could be taken in the extension of credit. The system institutionalized the moral judgments that were vital components of business transactions.

In his decision to focus on more than an individual's money holdings, Tappan was instrumentalizing the popular adage that "character is the poor man's capital."[18] Character was of great concern for American public intellectuals. The word brought together republican and individualist strands in American values. Character was the key to individual success, although it obviously depended upon the assessment of the community. A man of character earned the goodwill of others. This attitude was displayed by J. P. Morgan during his testimony before the 1912 Pujo Committee investigating the 'money trust' on Wall Street, when he told committee members that more than "money or property" a borrower gets credit "on his character."[19]

Debt was a fully entrenched feature of the American social landscape. However, it was frowned upon in all instances except for expansion and productivity. In the century of debates about bankruptcy laws, the distinction between loans for productive purposes and other uses was rendered into a moral-economic distinction. The distinction identified debt discharge as a "boon reserved for capitalist entrepreneurs, while simpler debtors should... remember the sanctity of their obligations."[20] This distinction finally allowed bankruptcy relief to become a permanent feature in American law in 1898, right before consumer debt was about to take off.

4
Inventing the productive consumer

The debates over bankruptcy laws had been a duel between those who wished to preserve the moral relations of debt and those who wished to regard the relationship solely for its economic functions. The solution focused on the economic virtues of the entrepreneur, retaining the debt stigma for all others. However, even as the debates on the moral economy of debt were shifting to relieve the entrepreneur from moral opprobrium, the entrepreneur was disappearing from the American business landscape. John D. Rockefeller announced the arrival of Big Business, declaring, "Individualism has gone, never to return."[21] The meaning of success would have to change. Big Business needed a class of trained clerks to run the large operations under the control of monopoly capitalists.[22] This class could not consider their technocratic lives to be inferior, falling short of the realization of the American Dream. The dream had to be reinvented. "The new dream acquiesced to wage labor. It was financed by debt. It hoped for liberation and fulfillment through a culture of abundance."[23]

Consumer debt (renamed consumer credit to remove its social stigma) was not new. However, with the reconfiguration of the American dream, it reached unprecedented levels. The growing scale and technological capability of American industry were turning out larger and larger quantities of more and more household conveniences. American business used consumer credit to create markets for these goods. General Motors overtook Ford in the early part of the 20th century partly because of Ford's refusal to offer consumer credit. This refusal stemmed directly from Henry Ford's moral objection to debt. GM, unconstrained by moral considerations, formed the General Motors Acceptance Corporation (GMAC), which provided lending to both dealers and consumers. Ford implemented a lay-away plan that "promoted the most conservative conceptions of thrift, savings, and delay of gratification."[24] Automobiles were only the largest of debt financed purchases. By 1930, well over half of all furniture, washing machines, vacuum cleaners, radios and phonographs were purchased on instalment plans.[25] Instalment plan spending grew at a terrific pace, outstripping the booming gross national product by 8.7 percentage points annually.[26] All of this spending required a further moral shift in attitudes towards debt and consumer spending.

At the turn of the century, loans were primarily reserved for those who already had money. The middle and lower classes had little access to credit. When they did need credit, they were forced, as Bentham predicted, into the usurious arms of the loan shark. Progressives, arguing from a moral stance of equality, worked to change usury laws as part of an effort to broaden access to credit. The changes paved the way for former loan sharking operations to become legitimate businesses. Although illegal lenders continued to operate, the newly legitimate side of small loan provision—renamed industrial lenders—worked to justify its business, even policing their former black market colleagues.[27] They invoked the productive individual entrepreneur but combined him with republican ideals. The small loan financiers put their emphasis on industrial harmony and the common good. They portrayed themselves as benevolent providers of a community resource in short supply. Their borrowers were idealized as modest people with great ideas, in need of a small financial boost. This discourse was clearly at odds with the realities and requirements of rapidly spreading business at ever larger scales. In 1929, the American Industrial Lenders Association restored balance to the discourse by changing its name to the American Association of Personal Finance Companies.

The move by small loan finance companies away from the productivity claims within the moralizing discourse of debt was not universally shared. Big bankers voiced objections to small loans and instalment finance. Such objections were indicative of the inherent conservativism of bankers. The credit that became consumer debt did not originate with the banks, and they were materially powerless to prevent or restrict it. However, they were respected community figures who frequently spoke out against consumer credit. Their primary concern was the effect that consumer debt would have on savings, the source of their capital. A vice-president of the Bank of Pittsburgh invoked republican ideals and declared that the small loan provider "perverts" the common desire for a "safe tomorrow" by fanning the individual's "desire for possessions" and therefore "is an economic traitor to his country."[28] The bankers helped produce a backlash against consumer credit in the 1920s, with one businessman lamenting that easy credit was "breaking down the whole morale of the nation." Even marriage was debased as wedding rings could be had for "$2 down, $1 a week!"[29] The discourse shaped the practices of lending and borrowing. For example, many avoided borrowing because of the continued existence of stigma. The terms of lending would have been influenced by bank recrimination. An investigation of where instalment spending was most popular could offer insight into who was persuaded by the various moralizing debates.

The defence of small loans and instalment credit came in the form of a study by economist E.R.A. Seligman. Funded by GMAC, the study marked an early instance of the developing relationship between American Big Business and the academy. The study had been suggested by a GM board member who recognized that its results would be a win-win for GM. Should Seligman determine that instalment selling was contributing to economic growth, then the company could tout its contributions to the practice. If he instead criticized consumer credit, then GMAC could profit by restricting lending and implementing terms favourable to its bottom line.[30] In the end, Seligman exonerated instalment selling. Although he structured his defence in economic terms, he necessarily considered elements of the moral attacks on debt. The most interesting part of Seligman's defense is his attack on the moral critique that distinguished productive debt from its prodigal counterpart, consumptive debt. Seligman argued that all credit is necessarily productive: the money spent by consumers serves to fund the productive efforts of industry just as much as credit extended directly to producers.[31] Because of the difficulties of distinguishing between end, he suggested making distinctions based on the recipient: credit should be categorized as producers' credit and consumers' credit. Seligman was challenging that the distinction between production and consumption, which is fundamental to both mainstream and Marxist economics. He effectively erased the line that had exempted some debt from moral censure.

These debates were quickly followed by the Great Depression. The dramatic event provoked a wave of criticisms against instalment credit that produced "mischievous moral, social and economic effects."[32] The claim was that debt produced levels of consumption beyond what the populace could sustain. However, the drastic and unprecedented decline in output did not cause defenders of instalment finance to back down. Instead, they asserted that instalment credit actually kept the decline from being worse.[33] Of course, criticisms of consumer over-consumption continued. In fact, together with Republican concern over rising levels of debt, this criticism has marked the 20th century of American moralization of debt. Although the 1970s brought the innovation of the credit card, it did not generate a new ethic of debt, as many claim.[34] Rather, as Louis Hyman argues, "Credit card companies appropriated and extended a debt infrastructure already in place."[35] This infrastructure included the moral attitudes toward debt.

10. The evolution of the concept of 'usury' took it from meaning any interest at all to a restricted definition of excessive interest rates, with 'excessive' having no agreed upon value among observers.

5
Contemporary crises and the subprime loser.

Until the late 1980s and early 1990s, mortgage lenders tried to reduce risk by rationing credit and extending loans only to borrowers with perfect or near-perfect credit assessments – the so-called prime borrower. This was meant to reduce default rates and protect the value of the debt-asset. Patricia McCoy and Elizabeth Renuart identify four innovations within the lending market that changed this practice:

1
Regulatory changes allowed lenders to charge a risk premium to less creditworthy borrowers and to market more complex debt instruments. This increased the pool of eligible borrowers who could be transformed into debt-assets. These high-risk borrowers would also come with higher rates of return, something market participants seek constantly.

2
New technologies made statistical credit scoring models and automated underwriting possible. These models led analysts to conclude that the standard requirements for mortgage credit—20 percent down payment, two to three months savings, one or more years continuous employment, excellent credit ratings, low debt ratios and full documentation – could be relaxed without a drastic increase in default rates. They suggested that previous risk assessments had been overly harsh. Now, the large numbers of people who failed to meet elevated standards could be offered attractive loans.

3
Securitization provided new sources of credit and new means of risk sharing. Securitization practices were made possible by the previous two innovations. Legislatively, they required the passage of the Secondary Mortgage Market Enhancement Act. Technological changes "gave mortgage professionals the confidence to price subprime loans" funded with the expanded pools of credit.

4
Government incentives encouraged lending to low- and moderate-income borrowers. This legislation included the American Dream Downpayment Act of 2003 (42 U.S.C. § 12821), part of George W. Bush's Ownership Society Initiative. The act authorized subsidies to 40,000 low-income households per year to cover down payments and closing costs.[36]

6. quoted in Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge, MA: Harvard University Press, 2002), 39.

7. Mann, *Republic of Debtors*, 44.

8. quoted in Mann, *Republic of Debtors*, 38.

9. quoted in Scott Sandage, *Born Losers: A History of Failure in America* (Cambridge, MA: Harvard University Press, 2005), 36.

11. Jeremy Bentham, *Defence of Usury* (NY: Theodore Foster, 1837), 7.

12. Bentham, Defence of Usury, 12.

13. J. Van Cott, "A General Bankrupt Law" in *Hunt's Merchants' Magazine and Commercial Review* 4 (1841): 22-35, 31-32.

14. Sandage, *Born Losers*, 100.

15. quoted in Sandage, *Born Losers*, 148.

16. Ian Hacking, "Biopower and the avalanche of printed numbers," Humanities in Society 5 (1982): 279-295.

17. Sandage, *Born Losers*, 130.

18. see Judy Arlene Hilkey, *Character is Capital: Success Manuals and Manhood in the Gilded Age* (Chapel Hill, NC: University of North Carolina Press, 1997).

19. GPO (Government Printing Office). *Money Trust Investigation: Part 15* (1913). http://fraser.stlouisfed.org/publications/montru/.

20. Mann, *Republic of Debtors*, 256.

21. quoted in Sandage, *Born Losers*, 251.

22. Government statistics on self-employed vs. waged workers do not extend back to this era. The best we can do is consider the share of workers employed as 'managers and officials,' 'clerical workers' and 'sales workers.' In 1860, 4.3 percent of workers were within these three categories. By 1920, it was 15.9 percent. This understates the increase in waged employees as other categories of workers would have seen shifts from self-employed to waged. For example, Big Business would have employed increasing numbers of 'professionals,' such as lawyers. If we include 'labourers,' who were less likely to be employed in Big Business than the clerical class, the change is from 14.4 percent in 1860 to 27.4 percent in 1920. Another way to investigate the change is to consider the decline in the number of 'farmers' among all workers. From 33.2 percent in 1860, farmers constituted only 16.4 percent of the workforce in 1920. It is of some significance that the share of farmers was still larger than the share of clerical workers in 1920, but the trend is quite clear.

23. Lendol Calder, *Financing the American Dream* (Princeton, NJ: Princeton University Press, 1999), 155.

24. Calder, *Financing the American Dream*, 197.

25. Calder, *Financing the American Dream*, 201.

26. Instalment plan spending grew at an annualized rate of 14.9% (Calder, 201) compared to 6.2% annual growth for GNP (*Historical statistics of the United States*: Series Ca188).

27. Calder, *Financing the American Dream*, 124-141.

28. Alex Dunbar, "Instalment Buying," *Bankers' Magazine* 113, No. 1 (1926): 11-14, 78-79.

29. J. R. Sprague, "Sales Resistance Stiffens," *The American Mercury* 4, No. 14 (1925): 215-220.

30. Calder, *Financing the American Dream*, 240.

31. E. R. A. Seligman, *The Economics of Instalment Selling: A Study in Consumers' Credit* (NY: Harper & Bros, 1927), 140-141.

32. "Economic abuses blamed for crisis [editorial]," *New York Times* (December 4, 1932): N11.

Alongside these legislative, technological and finance industry changes was debt's constant discursive companion: moralization. This essay examines three case studies to demonstrate how moralizing discourses are deployed as part of the finance industry's efforts to protect debt-assets. First, it examines how sentiments of community and trust were used within minority communities, which were disproportionately targeted by subprime lenders. Second, it considers debt collection practices that appeal to both individualist and republican ideals. Third, it considers the density of payday lenders in areas where citizens' moral codes are likely to be susceptible to creditor appeals.

The naming of riskier borrowers as subprime had an obvious instrumental purpose: it distinguished their pertinent credit information and guided the terms of their debt-relationship. However, it also drew upon the credit bureau's process of ranking and labeling. Early credit reports were descriptive and non-standardized. Many of their descriptive terms became moralistic proclamations as they intersected with public discourse: good for nothing, A1, small fry, dead beat.[37] The prime/subprime distinction follows on the credit bureau's designation of people as first, second or third rate, according to their capital, character and capacity. The location of a person in a hierarchy of quality was meant to aid in setting credit terms.

The credit agency was founded upon the ideal of objectively locating a person's true identity. Sandage notes that the Mercantile Agency's storefront was near two other business that shared the goal of "observing, recording, and selling the distinctive traits of individuals:" the daguerreotype and the phrenologist.[38] Character was assessed as an objective feature of the person. Barry Cohen observes that "[c]haracter lost its salience as a defining term for assessing credit in part because good character was both fairly universal as well as stable, which made it lose its market value."[39] While the focus moved to the more observable and quantifiable facts relevant to the debt-relationship, moral assessment remained. Observable quantities stood in for character; a man's qualities became synonymous with his quantities.

The prime/subprime distinction emerged in an era when all the quantities of the individual were distilled into a single number: the FICO score. The line between the most and least worthy exists at a discrete value: 620. However, the line was not strictly observed. Certain demographic classes were disproportionately designated as subprime. In particular, African-Americans, Hispanics, women, disabled people and the elderly were targeted as subprime even if objectively qualified as prime borrowers.[40]

The relationship between creditors and people of colour has long been contentious. Well into the 20th century, there were no laws against lending discrimination on the basis of race. Banks engaged in a practice known as redlining. Residents from minority neighbourhoods were automatically denied loans. As the accumulatory struggle of the finance industry led it to the creation of more debt-assets, it required more debtors. The more debtors enroled at subprime rates, the greater the potential rate of return. With the end of credit rationing, redlines served a new purpose: they attracted subprime lenders. Minority communities, traditionally underserved by mainstream commercial banks,[41] have many reasons to be wary of mainstream lenders, not least the legacy of discrimination.

Recent minority lending practices have played on moral themes of community and trust. By physically operating within minority neighbourhoods, employing members of minority groups and presenting their lending options as the only option, subprime lenders represented themselves as performing a community service. They appealed to community-mindedness and a long tradition of treating credit extension as a favour.[42] Even without direct evidence, it is not hard to imagine that lenders knew of the general mistrust of traditional banks. Their appeals to potential debtors could play upon this mistrust. Their self-portrayal as a local alternative obscured the fact would sell debt to a commercial bank for repackaging into securities. The transformation of a borrower with prime qualities, and hence at low risk of default, into a subprime individual, subject to higher interest rates, prepayment penalties, and more complicated terms, increased the value of the individual as an asset. Moralizing discourse around community and trust worked to perform this transformation. The debtor, unaware of his or her quantitative status—a FICO score over 620—could be dissuaded from seeking more personally advantageous borrowing terms by an appeal to his or her sense of community. The need to repay the debt comes from the same community mindedness. This may work to reduce the risk of default, or at least to keep payments flowing as long as possible before default occurs. In the event of default, it becomes the debt collectors' turn to entice repayment, and moralizing discourse is the base from which collection efforts begin.

The US has laws against debt collection practices such as using abusive language, making repeated calls within a short timeframe and revealing the details of debt to third parties. Of these practices, only the revelation of debt to third parties has an explicitly moralizing element. In the documentary *Maxed Out*, a debt collector talks about the practice and claims incorrectly that it is not illegal. The purpose of these revelations, as explained by two separate collectors, is to embarrass the debtor. Both collectors employ this tactic early in their collection efforts if they are having a hard time getting in touch with the debtor. The sense of shame is supposed to motivate payment. This tactic appeals to sense of community and to the value of personal responsibility. Individuals are made ashamed of their failure to live up to commitments. Insults are frequently rooted in claims that the debtor is a moral failure. Almost 150 years after the credit bureau invented the term dead beat, debt collectors continue to apply it.

Ralph Waldo Emerson asserted that "nobody fails who ought not to fail. There is always a reason, *in the man*." As Scott Sandage notes, this dictum "combined market logic and moral creed."[43] It is the individualist ideal at its purest. The failure to live up to the ideal is also meant to induce shame that derives from one's participation in a community. The seeming conundrum of American individualism and republicanism is resolved in the concern over debt and the obligations to repayment individuals take upon themselves. Far from a simple economic relationship, debt collectors wrench earnings from borrowers by appealing to their moral codes.

Two extraordinary papers by Steven Graves and Christopher Peterson examine moral codes and debt. In "Predatory Lending and the Military," the pair examines the high density of payday lenders around US military bases.xliv This research actually led the military to lobby Congress for a 2006 law that protects military personnel from the usurious rates charged by payday lenders.[45]. In "Usury Law and the Christian Right," Graves and Peterson show that areas with strongly observant fundamentalist Christian populations also tend to have greater numbers of payday lenders.[46] The pair refrains from suggesting why these relationships exist. However, it may have to do with the existing moral codes of the targeted populations. Both Christian and military organizations appeal to moral codes that draw on the dual American values of individual and republican responsibility. The US Army's former slogan, 'An Army of One,' captured both sides of the American ideal: the army is a single unit, composed of single units. Without the individual, there is no army; without the army there is no individual. Fundamentalist Christian doctrine embraces both individualistic free market ideology and community-minded adherence to the message of Christ. A sense of obligation and personal responsibility is likely a major component of the moral codes for both American soldiers and fundamentalist Christians. This makes them ideal borrowers; they are likely to do everything possible to meet their debt and repayment obligations.

Accumulation is a complex process. It cannot be reduced to any one facet of society, not even labour and production. In their struggle to accumulate, capitalists will leverage any institution, including existing moral codes. To understand how capitalists realize profits from property, then every ordering mechanism under their control, including moralizing discourse, must be examined.

6 Conclusion

The recent subprime mortgage crisis combines three words that trace interesting discursive and practical histories within the institutions of Western capitalism.

Crisis. Many like to claim that the Chinese word for crisis—weiji—includes the word opportunity as one of its component parts. This fallacious piece of Orientalism demonstrates a feature of the capitalist mindset. The current state of the Western political economy has provoked an unmitigated crisis for those at the bottom of the hierarchy, who are experiencing foreclosure, unemployment and other attendant ills of a downturn. However, the experience is different for those at the top. For them, the crisis has truly been an opportunity. Although Citibank and Bank of America lost common equity value, their survival through US government intercession foretells the potential for even greater success, profit and power. Differentially, the Big 4 have gained against their FIRE compatriots. A crisis of capitalism will only come in the form of a threat to the legitimacy of capital as a mechanism of vendible ownership and control. Short of that, every crisis presents a differential opportunity and will only be a crisis for some.

Mortgage. *Mort gage*: Death grip. The actual etymological history of the word does not reveal the appealing literal translation that serves as this article's title. *Gage* was more properly understood as 'pledge.' The original roots of 'mortgage' may have described the low likelihood that the debtor, having pledged his property against the debt, would ever make full repayment. In today's context of interest-only payments, 2-28 adjustable rate mortgages, and other mechanisms that have proved too burdensome for many, the translation of this word as death grip is appropriate. Given the desirability for owners of debt-assets to keep people indebted, barely making interest payments, only death becomes the horizon of release.

Subprime. Like a scarlet letter, the label subprime denotes the unworthy, those not deserving of the choicest of rates and those deemed risky and financially unsavoury. However, subprime borrowers were desirable. Lenders went out of their way to attain these high-return assets, reverse redlining and courting subprime clients. They salivated at the prospect of rolled-over debt, unending interest-only payments subject to skyrocketing rates and default and resale while prices were rising. Demand for securities backed by subprime loans rose drastically as investors sought to beat the average and earn the slightly greater margin. Of course, the differential struggle proved a bust for some. The jump in interest rates provoked by the Federal Reserve and the upward adjustment of rates on large numbers of 2-28 mortgages led to a wave of defaults. Market participants fled from these tainted securities even though four-fifths of subprime borrowers continue to make payments and more might have done so with renegotiation. Between falling housing prices and second mortgages, many subprime borrowers are now carrying negative equity. For them, it would make financial sense to walk away from their loans. A certain percentage will be allowed to fail, mainly from the five percent of borrowers with subprime adjustable rate mortgages. The rest will be made grateful for the opportunity to renegotiate: lenders will tout their own good deeds and community service, their concern for the borrower and their wish to enable correct behaviour. Overdue payments will be tacked on as principal. The foreclosed will be tokens of 'there but for the Grace of God.' Eventually the precipice over which many peered will fade, and the reason for failure will again be found 'in the man.' It is unclear how finance will react. The technologies that made the targeting of subprime individuals possible remain in place. The legal apparatus will certainly change. The subprime individual remains assessed as such. In fact, many more of us are likely to be branded subprime, or its post-crisis equivalent, and be forced to acquiesce to punitive terms. That lenders will seek to transform our low standing into high return debt-relationships seems certain, as the quest for accumulation is unending. The precise form the new debt-relationship will take, and the effect it will have on borrowers is uncertain.

Debtors as assets are treated just like every other asset in terms of their contribution to accumulation. They are capitalized based on expected earnings, discounted for risk. This makes them divisible and vendible through securitization. Prior to the recent crisis, subprime debt-assets were highly valued both because of 1) their potential for higher earning streams due to interest-only payments, prepayment penalties, long amortization periods and other mechanisms and 2) low assessed risk due to belief in the effectiveness of technologically informed risk management through securitization. The crisis provoked a drastic downward revaluation as the risk perceptions associated with subprime borrowers moved higher. However, like every other asset, the qualitative processes that determine earnings are particular and unique. There is no reduction from observable quantities to unobservable quantities. Instead, as Nitzan and Bichler argue: "To understand capitalism… is to decipher the link between quality and quantity, to reduce the multifaceted nature of social power to the universal appearance of capital accumulation.[47]

Debt-assets may be alone in the direct role that moralizing discourses can play in both generating and protecting value. This examination of moralization within the debt-relationship focuses on fairly insignificant players in terms of the hierarchy of capitalist power. No subprime lender, payday lender or debt collection agency is among the Fortune 500. However, these entities play essential roles in the value creation and protection that contributes to the power of financial companies at top of the corporate hierarchy. Moralizing is just one more instrument in the re-ordering of power that constitutes the accumulatory struggle within capitalism. Subject to the scapegoating of the pundits, most of those in debt undoubtedly feel a responsibility to meet their financial obligations and remain within the death grip. When this scapegoating combines with the personal-level interactions of the debt-relationship, including both moralizing discourses and refinancing on new terms, many debtors will choose adherence to their moral codes of republican and individual virtue, including their military and Christian varieties, over the liberation from debt that would come with default and bankruptcy. Debtors will remain valuable assets for the owners of debt while moral codes persist within the capitalist architecture.

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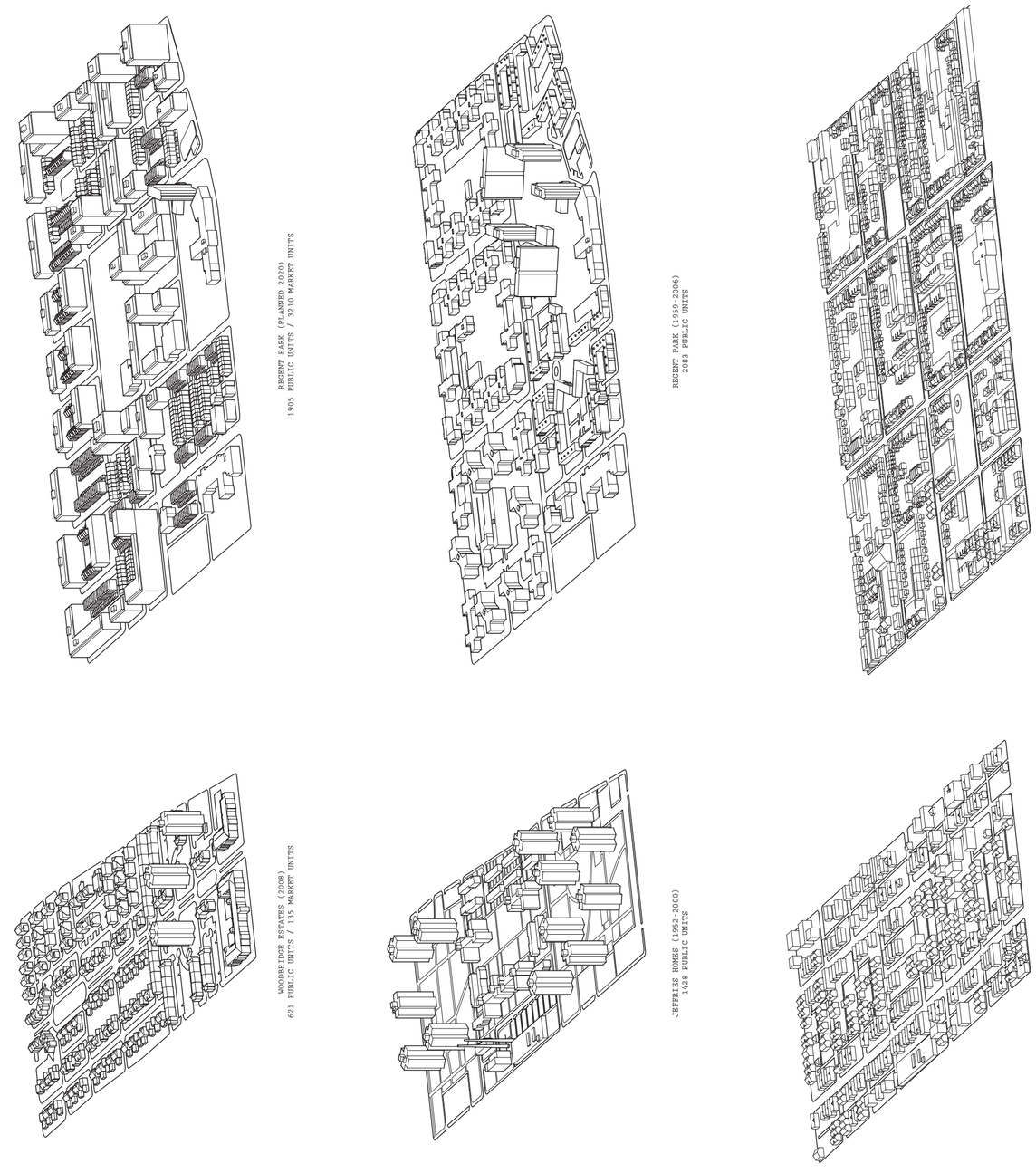

H.O.P.E. Housing Opportunities for People Everywhere

After the Second World War, North American governments produced plans to revitalize decaying urban areas through urban renewal. As part of this initiative, cities built public housing for people living in sub-standard housing. As a result of this policy, thousands of units for low-income residents were built in large cities across the continent. This initiative improved living conditions for many people, but at the same time destroyed the social support networks that proliferated in downtown neighbourhoods. Over the fifty years following their construction, these developments fell into disrepair as governments stopped maintaining them.

In 1992, the US federal government initiated a program called HOPE VI (Housing Opportunities for People Everywhere) to fund the demolition and rebuilding of the worst examples of public housing. The legislation mandated that modernist housing was to be demolished and replaced with low-rise, mixed-income communities designed in a neo-traditional style according to New Urbanist architectural principles. As a result of these design guidelines, it was impossible to replace the number of previously subsidized units, so federal grants were allocated to fund a substantial reduction in the actual number of housing units. In the case of Jeffries Homes in Detroit there was a reduction from 1428 to 621 subsidized units, or approximately 40% of the units.

Canada followed these US policies approximately a decade later. In 2002, the city of Toronto and the Toronto Community Housing Corporation began planning the redevelopment of Regent Park Canada's oldest and largest public housing project. This project learned both from HOPE VI and from St. Lawrence, an earlier mixed-income housing project in Toronto. The plan is to rebuild approximately 90% of the units on site, but in order to accommodate the desired mix the proposal calls for the construction of 3210 new market units, so that there is a 40:60 ratio of subsidized to market units. This change primes the downtown east side of Toronto for gentrification and will lead to the loss of existing affordable housing stock in the area.

These two examples of the physical demolition of modernist public housing neighbourhoods follow the ideological repudiation of public housing that began in the 1970s and reached full force in the early 1990s. The push towards home ownership as the only solution to the housing challenges of low income people is the most recent point of this trajectory. Its repercussions can be felt in the subprime mortgage crisis of 2007, and in its derivative effects in 2008's financial crisis. The people most affected by the devastation of urban renewal, the neglect of public housing, the displacement of contemporary redevelopment plans, and the foreclosures of the sub-prime crisis, have been the lowest income urban residents.

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Assisted by: Marcin Kedzior. Gene Mastrangeli, Ariel Shepherd, Alejandro López Hernandez, Tomek Bartczak.

Property in Three Registers by Shiri Pasternak

My work with the Mitchikanibikok Inik, or Algonquins of Barriere Lake First Nation, forms the research base upon which this theorization has been built. For a detailed description of the Algonquin community's land claims struggles with the government to maintain their traditional aboriginal tenure system and customary government, please see "Algonquins Defend the Forest" in *Upping the Anti* 8, 2009 or the support website www.barrierelakesolidarity.blogspot.com. For an overview of active community land claim struggles in Canada, please see www.defendersoftheland.org

This piece focuses on a type of contact between newcomers and Indigenous peoples in Canada. The nature of this contact involves the imposition of a Western property rights system onto Indigenous national territories. In other words, I am describing the techniques of a certain range of strategies of dispossession. I argue that understanding the over-lapping, yet distinct histories of state sovereignty claims, capitalist political economy, and Indigenous governance in relation to property rights, brings into sharp relief the discrepancies between state rhetoric on the inherent rights of Indigenous peoples and the facts on the ground of widespread extinguishment of Aboriginal title.

The project of Indigenous land dispossession is widespread and ongoing in Canada. The imposition of property rights continues to play a significant role in a multiplicity of government policies regarding Indigenous peoples as well as in provoking struggles of resistance against dispossession and displacement across this land. I call this form of contact between Indigenous and non-Indigenous peoples *propertization* to describe the process of transferring the jurisdiction over Indigenous lands from Indigenous nations to the state and private parties. Propertization regimes were stamped and continue to be plotted along settler interests, yet Canadian colonialism has rarely been described in these terms. My research tries to address this gap, asking, What role do property rights play in Canadian colonialism? Or, in Cole Harris' words, "*How* do they dispossess?"[1]

This piece does some of the background work to frame this broader project by looking at three "registers" of property as a lens through which to problematize this question.

Generally, studying property rights is an approach that helps to untangle many of the institutionally complex impositions of power taking place on Indigenous territories. Contrary to dominant understandings, property ownership regimes do not simply describe people's right to things. Through property rights we can see a material realization of how social relations in society are governed. Property gives rights holders access to wealth, resources, and shelter based on their financial capacities. They also reveal something about the nature of governance in general, such as historically contingent distinctions between public and private power, the social nature of law, and the free market ideologies that determine the rights of entitlement. In the context of colonialism, property rights also confer a legitimacy on the state's appropriation of Indigenous lands from both within and without the law. It is precisely by uncovering the social nature of property rights that the denaturalization of these expropriations can be undertaken.

More particularly, property rights comprise a crucial linchpin to colonial deployment in part because they play a significant governing role at *multiple scales* of social organization. Rather than organizing my ideas on property according to scale, however, I want to suggest a heuristic of property "registers" that may each encompass a range of scales. The liability of scale as a framework for organizing this research is twofold: on the one hand, scale too easily implies jurisdiction, which in turn is conflated with sovereignty. Divisions of power between levels of government empower jurisdictions with sovereign operations that only reify the claims of colonial governance. Specifically, there is a danger here of subsuming Indigenous governance under federal, provincial, and municipal governance scales, reinforcing the fragmentation of responsibility by formal divisions of colonial power and conferring a legitimacy to this hierarchy. Further, scale cannot account for contradictions between territorialism and capitalism, where tensions between "an 'endless' accumulation of capital and a comparatively stable organization of political space" recur across any number of spatial configurations.[2] In other words, the circulation of capital cannot be easily confined to territorial boundaries of scale.

In contrast to scale, each of the three property registers that follow describe a set of social relations and political imperatives that capture a kind of practice of power. Of course, these registers do not represent an internally homogenous field of power, but a category of practices defined together through family resemblances. Further, the registers themselves may converge or operate at odds depending on context and history. The three registers are as follows:

1
the Canadian sovereignty claim to all underlying title in Canada as well as provincial and municipal jurisdictional claims;

2
the inter-related, though distinct, logics of capitalism that require, among other property relations, secure title for resource extraction and the transformation of nature and labour into commodities; and lastly,

3
a set of practices that govern peoples' relationship to the land through forms of entitlement based on stewardship for future generations: property as 'taking care.' These three registers of property frame my research:
—property as sovereignty/jurisdiction;
—property as capitalist alienation; and
—property as 'taking care.'

These are over-lapping registers, though each carry distinct histories and operate by different technologies. Their purpose is to help distill the layers and forms of domination operative in a field of colonial power.

In addition to problems of scale, the need for these registers of property is twofold. The first reason is to shake out the distinctions without unravelling the relationships between colonialism and capitalism. My temporary and perhaps crude solution is to conceptualize them as over-lapping registers. While not seeking to discount the insights of such paradigmatic texts that analyze the constitutive nature of colonial and capitalist systems—such as Vladimir Lenin's *Imperialism is the Highest Stage of Capitalism*—there is a slippery-slope from inter-penetration to conflation. The danger of conflating colonialism and capitalism is that while colonialism is constitutive of capitalism, it is not reducible to capitalism. To assert otherwise is to ignore the specific nature of Indigenous claims to land compared to other sorts of reconstructive anti-capitalist visions, and therefore to ignore the particular logics of power exercised on Indigenous lands. Indigenous claims to land tend to be national-territorial claims, are often framed as a sovereignty claim, and include the right to govern commercial enterprise on their lands. Colonialism and capitalism can be distinguished then by differing technologies of control and imperatives of rule. In the first case, the differing technologies of control include, for example, special jurisprudence and legislation that apply just for Indians, such as the Indian Act; international standards of law that apply only to Indigenous lands; systemic racism; and territorial, sovereignty, and self-determination demands affirmed by long histories of treaty-making with the French, British and then Canadian Crowns. In the second case, imperatives of rule arise from tensions between territorial acquisition and capitalist accumulation, critical for different reasons and different moments of state formation.

The second further reason for the registers is to contribute some thought to a need developing out of significant political shifts occurring in the nature of property rights and the legal frameworks governing the property rights regime. On this point specifically, I want to examine what is meant by the "social relations of property" in light of crippling critical attacks (both historic and recent) against the "thingness" and "ownershipness" of Western ideas of property, as I will get to below. While there is insufficient space here to unpack either of these driving imperatives with the appropriate amount of detail, I want to signal their importance here.

In addition to this schematic, I read all of these registers of property as ontological categories. By ontology, I mean descriptions of the nature of relations. I take the position of Bradley Bryan that property is an expression of social relations among individuals and in respect to the natural environment, describing our daily practices; they are also highly nuanced metaphysical expressions of these relationships.[3] Therefore a cross-cultural understanding of how people relate to the world at large is necessary to understand the differences between English and Aboriginal understandings of property. As Bryan points out, method is the most confounding aspect of this inquiry, since the language of "property" is also saddled with the baggage of Western culture and we run the risk of re-describing Aboriginal cultural practices in unfitting comparative terms. Re-descriptions create new webs of meaning and realities, and can eradicate Aboriginal worldviews and ontological grounds.[4]

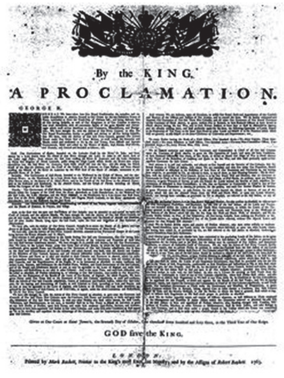
In fact, Bryan asserts that by engaging in this comparison, we are already asking a different question: how have liberal understandings of property determined our own capacity to understand other cultures? English understandings of property tend to exemplify "a rationalistic tendency that is captured by a technological worldview."[5] Rationalization is understood as the harnessing of things in terms of their ability to be turned into something consumable; rationalization forms the root of the ontological structure underlying property. To approach this question with eyes open to these methodological problems, we need to unpack the ontological basis of life which property both expresses and ontologically prescribes from the ground up.

Property in some sense becomes a metonymical device here, standing in for much broader and more complex social phenomenon. Understanding and defining the social relations of property is just one approach to denaturalizing colonial relations. By "social relations" I mean the legal and political institutions that create, protect and enforce property laws, which in reciprocal ways, socialize us to understand and accept the particular distribution of ownership in our society. Put simply, understanding property as a set of "social relations" denaturalizes any notion of property as an ahistorical, depoliticized system that merely protects people's things. Property rights regimes play a central role in the violation and abrogation of treaties and agreements between Indigenous nations and the Canadian state, as well as figuring into the assimilationist imperatives of colonial policies.

Taking property to be a social relation is paradigmatic in the sense that it shatters the illusion that property is about people and their things. Despite this popular view, both the "ownershipness" and the "thingness" of property have long since been discredited in legal and sociological fields as an outmoded way of understanding property rights. The lingering, dominant idea of property as comprised by individualistic and exclusive "ownershipness" has been undermined by the multiplicity of legal tools for subdivision of ownership along temporal, spatial, and collective lines.[6] Moreover, arguing that "the collapse of the idea of property can best be understood as a process internal to the development of capitalism itself," Thomas Grey submits that, "With very few exceptions, all of the private law institutions of mature capitalism can be imagined as arising from the voluntary decompositions and recombination of elements of simple ownership, under a regime in which owners are allowed to divide and transfer their interests as they wish."[7] Whereas capitalism once depended on simple ownership, Grey influentially points out that our political economy now depends on the splintering and invention of property to generate new regimes of accumulation.[8] How and who can own are anything but natural or stable premises, rather, these norms are constructed from vigorously contested economic programs and regimes of power. Meanwhile, the "thingness" of the "thing" owned is called into question by the sheer proliferation of intangible forms of property, including, for example, welfare rights, intellectual property rights, and claims on or entitlement to present or future income streams.[9]

Calling into question the secure thingness and ownershipness of property also brings to light the socially determined nature of *who gets to own what* in our society. These social relations can reveal extreme inequalities in society in terms of both public and private property. Public property, such as parks for example, are regulated by both laws *and* social norms, reflecting power inequalities in society through bylaws prohibiting sleeping on park benches that are aimed at homeless (i.e. propertyless) urban citizens, as are restrictions on access to public parks after dark.[10]

This is all to say that property rights are not simply some re-distribution of ownership, but that they intervene with the very social relations embedded in the ontological constitution of the place: the means by which the community comports itself, in relation to one another, and to the natural world of which they are a part. I want to turn now to the nature of these social relations of property, the thick compounds of historical and political meaning accrued in its uses, and the question of what makes property technically effective in its border-making and political controls.


By the KING.
A PROCLAMATION.
GEORGE R.
GOD save the KING.

Register 1
Property as Sovereignty

Property as sovereignty describes the imperial-colonial relations of property rights that govern jurisdictional transfers of territory from one nation to another. Sovereignty claims authorize a state's constant assertions of jurisdiction by bureaucratic, biopolitical, and military exercises over land and citizens.

In Morris Cohen's famous 1927 essay, "Property and Sovereignty," he calls out capitalism as a feudal system because the concentration of ownership over means of production in capitalist societies ensures that the propertyless are wage slaves to the owning class. But in the former colonies (as in communities throughout Europe), wage labour did not successfully displace the prior claims to territory of sovereign Indigenous nations, nor were many communities successfully integrated into the wage labour economy.[11] Property as sovereignty can still literally refer to Aboriginal land claims in Canada *in addition* to the current power relations of capitalism, and thus to an enduring conflict within the colonial settler state.

Canada's sovereign claim to jurisdiction over Canada opposes what anthropologist Michael Asch calls "the Aboriginal fact."[12] This fact states that Aboriginal people held underlying title, jurisdiction, and sovereignty prior to European contact and settlement and that Aboriginal jurisdiction must be assumed to continue today wherever Aboriginal title was not extinguished.[13] Asch asserts that this fact exposes the illegitimacy of Canadian state sovereignty claims of underlying title.[14]

For example, in the case of the Algonquins of Barriere Lake, the Aboriginal fact is evidenced by a series of treaties that Barriere Lake signed with the British Crown that codified nation-to-nation agreements between the Imperial Crown and Indigenous peoples. The *Treaty of Swegatchy* (1760) insured peace, neutrality, protection of land rights, freedom of religion. The *Kahnewake Treaty* (1760) promised peace, alliance, mutual support, free and open trade, anti-trespass, protection of land rights, freedom of religion, and economic assistance.

Perhaps the most significant treaty that the Algonquins of Barriere Lake were party to, however, took place a few years later. In October 1763, King George III issued a Royal Proclamation that set out to protect Indian lands from settler incursions.[15] But the Royal Proclamation committed a double-move: while affirming the protection of Indian lands by decreeing that such lands cannot be sold without the oversight of first being ceded to the Crown, for the first time and against the precedent of Article XL of the *Articles of Capitulation* (1760) signed by the French, it also claimed *possession* and *dominion* over the new territories, ultimately enlarging the Crown's powers. The following year, over 2,000 Chiefs gathered at Niagara to hear the reading of the Royal Proclamation and to ratify its contents in a nation-to-nation treaty. The Treaty of Niagara assured a policy of non-intervention, depicted in the two-row wampum with two lines—one as the Indians in their birch canoes and one as the white settlers in their ship—where neither would try to steer the other's ship.[16]

The *Royal Proclamation* (1763) and the *Treaty of Niagara* (1764) became a formal part of the Covenant Chain Treaty Alliance in the eighteenth century and the documents and belts affirming the Treaty of Niagara have been brought out repeatedly over the years by different nations to affirm their relationship with the Crown. Aboriginal scholar John Borrows believes that this relationship can also be described as a contract between nations and as such deserves to be interpreted in all the richness of its context.[17] But instead of the Treaty of Niagara being recognized as a core constitutional document, affirmation of the Royal Proclamation was included in Section 35 Canada's newly patriated constitution.

However unilateral or stingy the Royal Proclamation appeared compared to the Treaty of Niagara, even this imperfect law of Aboriginal title has failed historically to protect ancestral Indigenous territories from non-Aboriginal excursion and occupation. This failure can be attributed to three main reasons, as constitutional scholar Patrick Macklem explains: **1** as a function of broader social and political feature of colonial expansion; **2** as a result of "judicial devaluation of the legal significance of Aboriginal prior occupancy;" and **3** due to the "acceptance of a legal fiction" that the Crown was the original occupant and sovereign of this land.[18] Underlying title remains the highest material and political expression of sovereignty in Canada, which may be held by the federal or provincial governments in the form of crown lands. The crowns' assertion of title is also effectively a property claim to the entire land base of the country, from coast to coast. Not even the private property rights of citizens can compete with national assertions of underlying ownership since no constitutional protection exists to protect individual property rights in Canada.[19]

We could say then that there are two inter-related aspects of the sovereignty relation that strongly inform Canada's claims to property rights in Canada. The first is based on legislative and jurisprudential claims to authority while the second involves the regulatory practices—the so-called "facts on the ground"—of these policies and precedents. Regarding the latter basis of sovereignty, foremost among these "facts on the ground" that operationalize Canada's claims to underlying title are land-use planning regimes, natural resource and economic development policies, third party commercial and personal interests, the cumulative impacts of municipalization schemes, the economic forces of international investment, and the "death by a thousand wounds" of cultural genocide through, for example, residential schools and Christian missionization. In both senses that I am defining it here, sovereignty acts to extend jurisdictional authority over territory. In this sense, sovereignty is always in some way a claim over space. The question here is: what kind of spatial claim does propertization make?

Perhaps the answer simply requires looking around the landscape with new eyes. In Southern Ontario, for example, early colonial settlement lay the grids and lines across the earth that seem natural today. The system of government in Upper Canada was formally inaugurated in 1792 by Colonel John Graves Simcoe, first Lieutenant Governor of Upper Canada. Simcoe was both conservative and enterprising—he wanted to build up strong agrarian economies with strong British Loyalties, but he also wanted to promote resource exploitation of mining and forestry to raise some wealth. He essentially patriated the land system of England to Canada. About 200 acres of land were given out for free to soldiers with an oath of allegiance, but the certificates were invalidated if settlement and improvement had not begun within a year of rewards. Improvements included a dwelling on the property. According to historian Paterson municipalities were built from these building blocks of property:

> The surveyors were instructed to lay out the townships to be granted as nearly contiguous to each other as the nature of the country permitted, exercising due care in the running of boundary lines. Town plots, with glebes and other reservations for public use, and certain equal portions at the corners, were to be laid out in each. The corner areas were reserved for the future disposal of the Crown. If the township were inland, its dimensions were set at ten miles square. If upon navigable water, it was to be twelve miles in depth with a water frontage of nine miles… The town plots in each township measured one mile square, and usually, if an inland township, were situated in the centre. If a water township, they were in the middle of the waterfront. Each town plot was laid out on a prescribed plan, with town lots of one acre, town parks of twenty-four acres, and squares and streets of stated dimensions. Due provision was made for future public buildings and military defences. The Crown reserves in the corners of the township consisted of eight farm lots.[20]

The improvement criteria for receiving title to land echoes the imperial history of property rights in Canada. An important political context of property rights in Canada is English philosopher John Locke's justification for the enclosure of land, which was based on its improvement through the application of one's labour to the earth. This argument lays a crucial moral foundation for the jurisdictional claims of settlement, but it also renders invisible or insignificant non-European forms of land management and use. Locke privileges agrarian forms of settlement, particularly those agrarian landscapes that employ recognizable forms of labour, such as English tilling technologies, as opposed to Indigenous foraging, slash and burn agriculture, and wildlife management through hunting. A racist, stages-view of history continues to be deeply embedded in notions of entitlement to property today.

Register 2
Property as Capitalist Alienation

Property as capitalist alienation might also be called the register of "dispossession/accumulation," since it describes the unique dynamic of property rights in a liberal capitalist society. While dispossession of lands may be a common feature of imperial and feudal regimes, the specific kinds of dispossession inherent to the methods of accumulation in capitalist societies create their own modes of propertization. Property rights are used to create commodities, such as land and patents on life, and to protect, police, and regulate the commodities produced. We could also say that these forms of propertization are deeply embedded in particular social relations of *transferability* that confer value on a free market-based distribution and exchange of goods.

There are several ways in which the conjoined processes of dispossession and accumulation are internally logical to capitalist propertization. Central to this register of property is a process Marx called "primitive accumulation"—a dual process of dispossession from subsistence economies and forced relocation into wage labour—that Marx described as the origins of capitalism. Dispossession marks a range of alienations from subsistence economies—from peasant lands to file sharing—that enable new commodities and services to replace them—such as store-bought foods and proprietary software.

Far from being a process of simply accumulating the original pot of surplus capital, as Marx asserted, primitive accumulation (or as David Harvey has coined, "Accumulation by Dispossession"), constitutes an ongoing strategy built into the capitalist imperative for constant *expansion* to survive as a viable political economy.[21] Primitive accumulation describes a range of expansionary processes that each involve the creation or instantiation of property rights in different ways, through international trade, imperial relations and natural resource extraction.[22] Non-spatial examples of primitive accumulation also include the exploitation of labour, through a reliance on unwaged women's labour and their reproductive capacity and on racialized, non-capitalist or semi-proletarianized labour, such as non-status migrant labour forces or indigenous labour.[23] Common to all these processes is a violent dispossession from subsistence economies—lands, livelihoods, and way

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Laboratorio de comunicación y recursos contrahegemónicos

Thirty Points to Challenge the Hegemonic Order in the City of Buenos Aires

by Iconoclasistas

"We live in a world ruled by fictions of every kind—mass merchandising, advertising, politics conducted as a branch of advertising, the instant translation of science and technology into popular imagery, the increasing blurring and intermingling of identities within the realm of consumer goods, the preempting of any free or original imaginative response to experience by the television screen."

—J.G. Ballard, Crash (1973)

1
Alienation is a useful concept to explain why we accept our involvement in a society that is structurally unequal and unfair. Alienation not only entails being taken as interchangeable objects in a life project designed for the benefit of others, it also describes our reaction to a world in which we are self-obsessed, impassive to the needs of others and driven to satisfy consumerist urges.

2
The city is modeled on the neoliberal hegemonic order. Living in the city implies immersing yourself in an ideological system that promotes the domination of capital over all areas of existence. The fast-track to inclusion is consumption, allowing us to share with others the same "lifestyle," conceived by marketing and advertising and disseminated by television, radio, magazines, internet or newspapers.

3
Consumer society is consolidated by expanding and renewing fictional needs. Production changes as market research and marketing consultants create new consumer niches, or targets. Advertising is complicit with these dynamics, constructing attractive worlds that offer new "sensations" to satisfy wishes through products promising "freedom," "speed," "charm," "intelligence," etc.

4
Advertising constructs an opinion of the world, of oneself, and of the others—encouraging participation in a lifestyle that distinguishes social classes through our ways of dressing, eating, talking, etc. It conceals labor exploitation and alienation in production, while shaping wishes and tastes. Often this involves the manipulation of the images of the women as objects of seduction. Its main aim is to encourage consumption, to widen the market for large corporations, and to sell the highest number of products around the world in order to increase profit margins.

5
Image handling is one of the most powerful and effective tools used by (economic, political and cultural) power to enforce adherence to dominant modes of thinking. Advertising plays an essential role by disseminating pleasant images of consumption and prototypes of the successful citizen-consumer, while naturalizing the competitive dynamics of capitalism while encouraging us to buy products that might set us apart from those debarred from consumption.

6
The mass media are the main channels for advertising. They seek to create surplus value by producing and disseminating a machinery of images, meanings, views of the world, and accounts of reality aimed primarily at promoting specific economic and/or political interests. Media conglomerates — including radio stations, television and cable television channels, Internet providers, etc. —homogenize the information they distribute and increasingly influence public opinion.

7
The commercial systems of representation conceived by marketing experts promote meanings that are already legitimated by power as the correct and successful ones to live in the world. Their goal is to regulate individual freedom by subtly imposing ways of acting, thinking, and walking in the urban landscape. To continue belonging, we engage in a frenzy of production and consumption where the technique fosters anonymity, enabling and facilitating control by institutional technologies.

8
The prevalence of capital extends to all areas of life, altering and shaping social identity. Subjectivity is mutilated and confined to the forms used by consulting firms, which classify and sort us in surveys according to a series of parameters (income, place of residence, house type, ownership of car, kind of job, etc.) in order to evaluate us as potential customers of some "innovative," soon to be marketed, product.

9
One way of sustaining the turnover of products and services is to change the supply according to fashion trends. Fashion guards the acceleration of turnover time in production in parallel with that of exchange and consumption. This is facilitated by improved communication and information devices, streamlined distribution techniques (enabling goods to circulate at an increased speed through the market system), and plastic money and e-banking transactions which accelerate the reverse flow of money.

10
We are part of a hegemonic order aimed at monopolizing profits for others. This means living under coercion, constantly threatened by elimination, or replacement. Forced to juggle so as to best fit in the narrow system of inclusion, our participation can only travel in one direction, pushing us into a labyrinth that is very difficult to exit.

11
Labor is another good that is bought and sold in the market. The prevailing forms of work today are marked by precariousness, as short-term contracts in various modes, informal work, and low pay. This leads to a savage increase in inequality, lowering the real incomes of the middle class and further impoverishing historically disadvantaged groups, with the subsequent emergence and consolidation of marginalization and unemployment.

12
In our city, public space - the place where collective experience is organized - is fenced in, threatened and commodified. Just as the clock marks the passing of hours, minutes and seconds, synchronizing our actions and subjecting us to discipline and the requirement to fulfill specific goals and targets within a given time period, the dominant order determines the correct forms of bodily presence, repressing those that alter the hegemony through the use of physical and symbolic violence.

13
Today's national governments only want to see citizen-consumers in the streets; they regulate traffic in public space, punishing loitering and appropriation.

Fear of the outside isolates us and makes us crave the protective shelter of our home. There we are easy prey for the representations and ideologies of the mass media, which disseminate and strengthen the imposition of market subjectivity.

14
The flows of production and consumption accelerate and become more wasteful. Those who access these worlds of constantly unfulfilled promises become champions of the order, calling for the protection of their goods and, often, taking its defense into their own hands.

15
We shut ourselves away in our homes, justified and encouraged by an ideology disseminated and amplified by the mass media, that emphasizes our "lack of security and safety." People perceive the streets as dangerous and constantly threatening; this threat is met with an increased number of locks, railings, barbed wire, CCTV surveillance and private security services.

16
The State's hard line cracks down on demonstrations in public spaces and criminalizes protest. Limits to the undisciplined use of public spaces can be seen in the prohibition against blocking streets, the fencing off of public squares, the removal of street stalls and homeless people, the banning of musical performances and youth-oriented activities and the speculative growth of construction, causing eviction from places recovered for gentrification.

17
The metropolis conditions our senses. It overexcites our sight and hearing, forcing us to pay attention to changes, disruptions, threatening vehicles, passers-by, and other obstacles, while atrophying our taste and smell with an obscene supply of superfluous products. It turns us into individualistic, selfish, violent, workaholic beings, addicted to acquiring an ever increasing number of objects.

18
Urban geometry directs our bodies' use of space. It guides movement to avoid wasting time and to channel our activities into the logic of capitalist accumulation, or at least not to disrupt it. Technology reinforces control; cell phone use allows an individual to be spatially and temporally tracked.

19
We are increasingly becoming mere props in "a full life" — or what the market sells as such. We are becoming hybrid, half-human, half-machine beings, protected by objects that help us to meet our social demands. We are always available if we have a cell phone, always entertained by our i-Pod, always alienated and more preoccupied with the message we have just been texted than with our surroundings. Our contact with reality is further mediated by the technology we use to fight our existential vacuum.

20
The addictive use of new technologies strengthens the capitalist machine, creating loneliness, utilitarianism, a false perception of reality, and the worship of individualism. As grotesque extensions of our ego, these machines show the world our material "success" and tantalize us with a new step towards market made happiness.

21
In this tragic attempt at avoiding unwanted human contact, those who can afford its company have a faithful accomplice — the automobile. Just as the system imposes nonstop movement on an individual, the automobile takes us from one place to the other. Motorists become easy prey to bottlenecks, crashes and physical threats from other drivers, turning the "privilege" into a curse of constant fights, violence and aggression.

22
Traffic moves slowly in the city, and going from one place to the other becomes an odyssey, made worse by the great number of public and private vehicles everywhere. Cars create an enormous demand for fuel, compounding the country's energy crisis and adding to greenhouse gas emissions and global warming.

23
Living in the city, we expose ourselves to social demands that exacerbate the development of diseases: stress, panic attacks, anxiety, mental disorders, cardiac issues, weight problems, etc. The anesthetic inventions of the pharmaceutical industry offer temporary relief. Psychotropic drugs (antipsychotics, anxiolytics, antidepressants) bring resignation, allowing us to accept all our misfortunes, frustrations and worries so that we can go on without a word of complaint.

24
The unease bred during the week is mitigated in the weekend, when we go, eager for relaxation and satisfaction, to the paradise of every fanatical consumer — the shopping centers. These monumental interiors volunteer themselves as secured public spaces perfectly designed to facilitate shopping. They also invite us to find artificially sweetened fun in the products of the cultural industry, such as coin operated children's games, multi-screen popcorn movie complexes, and fast food courts.

25
The capitalist city is based upon circulation and consumption, on the flows of goods and bodies. We need to know if it is possible to establish cracks in its structure. We need to unmask it, not only in terms of its planning, but also in relation to the influence of corporate, financial, state economic and political interests. We need to expose how we are complicit with a standard that benefits a few in order to stop accepting (through resignation) a scenario that breeds exclusion, poverty and inequality.

26
A large part of the population is deprived not only of consumption, but of its most basic rights (work, home, health and education). The naturalization of injustice and poverty reinforce absent challenge to the mechanisms that produce them. This allows the development of social and economic policies that increase inequality and force a large number of people to survive on the waste of society.

27
The poor are the most affected by pollution caused by the waste of unrestricted production. They live near or in garbage dumps. They can't afford the bottled water they need due to the lack of drinking water and the pollution of the water table. They suffer from atmospheric pollution as a result of emissions from waste decomposition and are threatened by diseases transmitted by animals attracted to the garbage.

28
In spite of all the evidence, there are attempts to make poverty invisible. Most people do so by getting used to its existence ("there were always poor people"); others resort to charity; while the rich minority lock themselves up in private neighborhoods that resemble fortresses, protected from the outside by towering walls with surveillance posts and 24-hour monitoring systems operated by private security companies. When there is a hint that decaying urban centers might be restructured for residential or business use by high-income professionals, improvements to these run-down areas usually lead to the eviction of their original residents, (gentrification).

29
No one believes the lie of the trickledown effect any longer, or the sham that "they don't work because they don't want to." We will not be forced to accept that we have to "earn our living." Earn it from whom? This should not be a competition, or a dispute with winners and losers, as neoliberalism portrays it.

30
We are not trying to create a paranoid, victimizing view of the city. Instead we aim to highlight the city as a place for the interaction of individuals, for links and contradictions that can open up spaces for creation and resistance. That is why we suggest a reflection and understanding that unlocks the latrine of production, movement, consumption and waste, and provides us with critical knowledge that enables action.

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Iconoclasistas combine graphic art and communication to create graphic resources aimed at breaking apart hegemonic meaning, as a way of resisting and influencing the social imagination, but also as a proposal for change and transformation. All the materials created can be downloaded from http://www.iconoclasistas.com.ar, freely distributed (under Creative Commons licenses) and reproduced. *Iconoclasistas* began working in mid-2006, based on the idea of a "lab" as a space where imagination activates creation. This allows them to move comfortably between different formats, devices and scenarios to devise research and graphic design tools that encourage cooperative practices. They have developed printed materials and posters addressing social issues that have been published in newspapers and magazines in different parts of the world, as well as appropriated by countless social organizations. Many of these materials have led to traveling exhibitions in cultural and social spaces in cities in Argentina and other countries.

Over the past year and a half, they have embarked on a project to create a "Collective Atlas" of Argentina and its neighboring countries. To that end, they are traveling through cities and towns in different provinces, where they hold "Collective Mapping Workshops" together with Argentine, Paraguayan and Brazilian social movements, neighborhood assemblies, student organizations, fair trade networks, social and environmental assemblies, teachers, gender commissions and committees for the memory, etc. With this aim, they have been invited to Lima, Peru, and Barcelona, Spain. They define "mapping" as a playful and creative tool to construct a shared account of a certain territory. They thus conceive of it as an instance of collective construction and open participation that enables a critical insight into various realities from everyday memory and non specialized knowledge. Reports of the journeys, photos, an account of activities and a preview of this project can be found at http://cosmovisionrebelde.blogspot.com.

Iconoclasistas define themselves as a laboratory of communication and anti-hegemonic resources. They are an activist mapping collective that almost always works in collaboration with other groups or social movements. Their activities are based in Buenos Aires, but take place all over Latin America. http://www.iconoclasistas.com.ar

of life—driven by the quest for new markets to buy from or sell to, or cost-saving armies of cheap labour.

A good example of the relationship between expansionary capitalism and colonialism is the land claims process in Canada. Introduced in 1973 because a Supreme Court precedent forced the government's hand, the policy held enormous promise in a country where the last treaty was negotiated in 1930 before treaty-making was blocked by the state for over 50 years. In 1981, the revised claims policy stated as its objective "to exchange undefined aboriginal rights for concrete rights and benefits" calling for the "extinguishment of all aboriginal rights and title as part of a claim statement." Extinguishment, if not clear enough, meant the end of those so-called "undefined" Indigenous land rights, and another attempt to turn Indigenous lands into isolated ethnic municipalities scattered throughout the country. This clause for extinguishment was met with outrage from Indigenous groups from the start, so in 1985, Indian Affairs appointed a task force that "concluded that the extinguishment policy was unjust and unnecessary. However, when the revised claims policy came out in 1986, it merely tinkered with the policy, suggesting that the government would consider alternatives to the 'blanket' extinguishment of rights in some parts of traditional territories," but this was never to be the case, and instead, the federal government tinkered with the language, but not the policy itself.[24]

One euphemism for extinguishment that has emerged in the context of the British Columbia Treaty Process (PCTP) is "achieving certainty" on Aboriginal rights. This certainty is meant to secure the landscape by removing the condition that interferes with risk-free investment, which according to negotiators and state officials, is Aboriginal land claims.[25] Meanwhile, the endemic risk of uncertainty in market patterns is obscured. Flexible accumulation and post-Fordist restructuring are inherently unstable; given the increasing fluidity of global markets coupled with foreign investment in resource extraction and the intensifying speed-volume of these flows over the past three decades of twentieth century, Aboriginal title has become an economic scapegoat for provinces that depend on mining and forestry taxes for revenue.[26] Rather than resolve the "uncertainty" with fair and just land claims settlements that do not force Indigenous peoples to relinquish all rights to their traditional territories, the provincial and state governments drum up fear in non-native communities of their Indigenous neighbours, blaming them for crises in capitalist accumulation.

Indigenous peoples in Canada have marked the socio-spatial limits of capitalist expansion for centuries and continue to hold their ground to this day. Due to the geography of residual Aboriginal lands, they form a final frontier of capitalist penetration for natural resource extraction, agribusiness, and urban/suburban development. As Deborah Simmons writes in *After Chiapas*: "From this perspective, Aboriginal resistance may be understood as a crucial aspect of the conflict over the process of continental restructuring and the emergence of a new capitalist order."[27] It is the refusal of Indigenous peoples to sign "modern treaties" that force them to extinguish their title and transfer their lands into private property that is posing major barriers for business-as-usual accumulation and exploitation across Turtle Island. To suppress Indigenous peoples' struggles is to eliminate the great obstacle they pose to capitalist accumulation and to maintain the racist assertion that Europeans discovered, paradoxically, a people of *terra nullius* (vacant lands).

This current land claims process, often called the "modern treaties," follow the historic and "numbered treaties" (1870–1930). The numbered treaties themselves, negotiated by the Canadian dominion, blazed a trail for development across the country. The prairie treaties were negotiated to pave the way for agrarian settlement; the treaties in the North West Territories were negotiated immediately upon discovery of oil in the Mackenzie Valley; Treaty 3 opened the door for mineral mining; Treaties 1 through 7 were negotiated to open up land for the railways.[28] While the end-goals here may be similar—economic development for the benefit of state-building and capitalist enterprise—the technology of control here, treaty-making, is a unique form of governance exercised only between the state and Indigenous peoples.

Another example of capitalist-driven propertization lies in market-based distinctions between private/public spheres. As legal scholar Morton Horowitz summarizes, "One of the central goals of nineteenth century legal thought was to create a clear separation between constitutional, criminal, and regulatory law—public law—and the law of private transactions—tort, contracts, property, and commercial law."[29] The courts still try their best to maintain the distinction between public and private, maintaining the state's legitimate monopoly on violence and restricting the coercive powers of private individuals and corporations. The same activities when engaged by governments can seem coercive when undertaken by corporations, and vice versa, it appears coercive when governments engage in market activity. Thus, the distinctions between public/private, coercive/market, sovereignty/power are the inextricable dualities of liberal capitalist society. Understanding this, we are better equipped to challenge the paradigm of Canadian colonialism, often obscured by the smoke and mirrors of private/public distinctions. These dualities in turn reflect the real tensions between state territorial acquisition and control, crucial to assertions of Crown sovereignty, and more robust mobilities of corporate and private capital, however beneficial to the state, that cannot alone guarantee the security of its exercises of power.

At this juncture the overlap with the register of Property as Sovereignty is apparent. Public/private distinctions muddy the waters of jurisdiction in ways that benefit colonial control over indigenous peoples within the state of Canada. The more complex the rules of transferability around the land—from private ownership to privatized license granting, the more intractable things become for the Indigenous peoples living on the land, and the less directly implicated are the Crowns in what look like the naturalized operations of the market economy.

Register 3
Property as 'Taking Care'

Property as 'taking care' represents a set of practices that govern peoples' relationship to the land through forms of entitlement based on taking care of the land for future generations.

We need to stop here for a moment and look at what is meant comparatively by a Western property system, from the perspective of an indigenous person. Taking the Plains Indians to signify certain universal aspects of indigenous culture, Leroy Little Bear compares their concepts of land embedded in a culture of relationality, with the British property rights system. He outlines three central aspects of Aboriginal culture—philosophy, customs, and values—that ground the belief system of the Plains.[30] Some of these definition provide crucial counter-points to the European tradition from which the British common law system grew: the Plains' philosophy of equality, for example, is based on the implicit belief that all things have a spirit. Compare this equality to English philosopher Hobbes' *equally* jealous and competitive individual, and you begin to see the sharp fissures. Little Bear does not offer a necessarily essentialist view of Aboriginal culture, defining it as a collective agreement between a group of people, but he points to the way the idea of constant flux and renewal are prevalent in all indigenous philosophies. Concepts of time and transformation grow out of the constant recombination of energies and spirits.[31]

In further contrast, the British common law makes no distinction between moveable and immoveable property—because ultimately, property represents a set of rights around *transfer*. All rights can be traced back to the original source of sovereignty: the sovereign or state. But even The Supreme Court of Canada had recognized in Calder and Guerin that Aboriginal title does not derive from the Crown, but rather from occupation of the land from time immemorial.[32] The basic principle of renewal of this ancient ownership is maintained through song, dance, and stories. Thus, Little Bear places the goals of the treaties into the perspective of Aboriginal people who willingly entered them: the newcomers were seen to fit into the web of relations "and become part of the renewal process through the songs, stories, and ceremonies."[33] It is no coincidence that many of these ceremonies disappeared as lands were lost.

The Royal Commission on Aboriginal People (RCAP, 1991) also stresses the difference between Canadian property law and Aboriginal systems of tenure and governance. The report submits that the main difference is that, unlike Aboriginal systems, Canadian property law does not have a concept of stewardship embedded in its meaning. The report maintains that a dense system of social relationships, religious and spiritual beliefs, and values of reciprocity guide Aboriginal understandings of land towards practices that recognize the interdependence of the world.[34] So whereas Canadian common law "fee simple" ownership is defined in reference to rights of *exclusion* with few duties built into holding tenure, Aboriginal concepts of ownership are about *responsibility* to steward the land for future generations. RCAP concludes that Aboriginal understandings of ownership involve a "distinct mix of principles of ownership, responsibility, stewardship and governance."[35] The opposite principles to taking care, the "Canadian" principles, as one might assume, represent a wider Western malaise in terms of our relationship to non-human actors, such as plants, animals, the sun and the moon. Let's call these non-human actors "nature," which one might say in Western cultures, "stand in reserve" for human consumption, representing the ontology of a rationalistic and technologically-determined culture.[36]

In the territory of the Algonquins of Barriere Lake, a hunting community that lives 300 kilometers north of Ottawa, much as people do not own individuated plots of property, aboriginal tenure secures some of the advantages of proprietary regimes without the expense of asocial individualism associated with private property rights regimes. This has worked in two ways. Usually customary or traditional users of the range would have spent many years on that land, therefore they would have built up an extensive fund of knowledge about the area (e.g. local toponymy used for navigation), making them effective hunters and gatherers and giving families historical attachments to the particular areas. These historical attachments then led to some measure of responsibility (*ibenindiziwin*) for the areas, ideally managing their resources for other users and future generations, requiring recurrent (not necessarily continuous) occupancy and use.

These land users, especially through the recruitment of hunting partners, operated through the nexus of kinship and marriage. It is important to convey here that the Algonquins live in a decentralized society spending part of their winters and summers in cabins spread throughout the territory on their family hunting grounds. Family hunting groups have exclusive rights in harvesting territories and are the primordial units of Algonquian social order. These days, the Algonquins spend more time in the reserve, but they still maintain at least one, if not several cabins, throughout their family territories clustering around traplines, sugar bushes, medicine plants, and waterways, all of which they visit seasonally.

Trapping and hunting partners are not only successive through patrilineal lines, but also a bilateral system across kin, giving matrilateral and affinal kin alternative access to land and resources. As anthropologist Sue Roark Calnek, who worked with the community for many years, writes: "Structuring alternative access to areas through the kinship (and friendship) nexus in this way has several advantages, social as well as economic/ecological, over *either* a wholly unpartitioned 'commons' *or* the 'unsociable extreme' of rigidly privatized territories:

- It locates and regulates economic behavior within a moral universe in which adults are supposed to be responsibly interdependent, neither dependent on nor competing with each other. They are thus more willing to share costs as well as benefits;
- (As one Algonquin has repeatedly stressed) it permits local environmental knowledge to be built up from recurrent experience and 'lineally' transmitted, but it also permits pieces of this knowledge to be 'laterally' disseminated throughout the community. This contributes to the community's 'knowledge pool' and therefore its collective survival. This kinship nexus… with its web of lineal and lateral relationships, thus serves both to recruit people to task and occupancy groups and to share environmental knowledge."[37]

The entitlements to land belonging described here embody the register of taking care as an entitlement for jurisdictional claims to govern land. But most of all, these entitlements do not take the form of anthropological arguments. I have spent many hours with traditional knowledge holder Toby Decoursay discussing the distribution of territory amongst the Algonquins and learning about the meaning and codes of the *Onakanagewin*. This constitution not only guides people in how to hunt and trap, and how to allocate the hunting grounds between community members, part of the hunting ethic involves the distribution of meat after the hunt, as well. Decoursay explains:

> That's what they used to call it, *ado'nagen*. It's like, I'm going to eat today, and you're going to have your share. It's the same thing with the moose. *Ado'nagen* means the family, it's the place where you're going to eat, but it also means the family. When you share moose meat, you're just going to have to look at who has the most kids… With the most kids, the share is bigger.

I asked about how the land was actually divided, if there were boundaries or borders between the family territories. Toby answered:

> I don't know if there's a boundary in there, but us, we just know *kamashgono-gamak*, stay there, just hunt there. There's a lot of names on the territory… That's what they say, me I'm going to *kamashgono-gamak* or *gasazibi*, they just say the name of the territory and the Chief is going to take care of that. And they know what direction to go and where is the name of the place. And that's it…

That is the role of the Algonquins' constitution, the *Onakanagewin*, to guide and govern the comportment of the Anishnabe peoples on the land. With the guidance of the Chief and knowledge of the land, the people take care of their "property."

I asked the customary chief, Jean Maurice Matchewan: if you had to explain to someone who didn't understand hunting societies why the community needs so much land and why the families live in separate territories, how would you explain that? He answered,

> Well, first of all, it's hard to concentrate one big group of people in one big area, so I guess, not to over-kill the territory, so they need a bigger land base for that purpose. But also, not all the animals are there in one area, so they follow these animals around if they need to. For instance, if there's one family, if at their trap-line, there's no animals there, pretty much, another family will take them into their area when their animals are growing. So those are the kinds of thing they would do to accommodate other families. 'Cause I remember when I was young my grandfather was a great trapper, he used to go out to somebody else's territories, with permission, and there was no problem that way.

Since animals move around, hunting territories can change over time, or hunting partners, so that everyone

has an opportunity to go out and catch animals to feed their families. Collective benefits of land protection and defense are conceived not only beyond the individual, and the individual family, but beyond human beings so that all benefits of life can be redistributed throughout the land. Story after story told on the territory embodies these meanings and each one is brought out to illustrate this context in different ways.

Final Thoughts

This piece, no doubt, leaves us with more questions than answers. For example, how does the capitalist register also contain aspects of its own internal contradictions and possible dissolution? How can we think of 'taking care' as adaptive to and intertwined with the other two registers? Does 'taking care' in itself annihilate the other two property positions, beyond its conceptual integrity and political challenge? I find myself returning to Proudhon at the end here, even turning to the end of his own treatise, "What is Property?" where he tries to wipe his hands of the whole property debacle. He states, "Property is the suicide of society"—anti-social, scarcity-inducing; a right that was created out of sheer self-interest by the rich and privileged.[38] An asphyxiation of social good. I can't help but wonder: if we kill the first two registers of property, there's no telling what good things would have room again to breathe.

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Photographs by Shiri Pasternak

Notes

1. Cole Harris, "How Did Colonialism Dispossess? Comments from an Edge of Empire" *Annals of the Association of American Geographers* 94, no.1 (2004), 165-182.

2. Giovanni Arrighi, *The Long Twentieth Century: Money, Power, and the Origins of Our Times* (London: New York: Verso, 1994), 34.

3. Bradley Bryan, "Property as Ontology: On Aboriginal and English Understandings of Ownership." *Canadian Journal of Law and Jurisprudence* 13, no.1 (2000), 3-31.

4. Bryan, 3-31.

5. Bryan, 1.

6. For a definitive discussion on the practical and philosophical extinction of property "thingness," please see, Thomas C. Grey, "The Disintegration of Property," in *Modern Understandings of Liberty and Property*, ed. Richard A. Epstein (New York: Garland, 2000).

7. Grey, 75.

8. Grey, 75.

9. See William M. Kunstler, for example, "A Real World Perspective on the New Property," *U.S.F.L. Review* 24 (1989-1990), 291; Charles Reich, "The New Property" Yale Law Journal 73, no.5 (1964), 733-787; Keith Aoki, "(Intellectual) Property and Sovereignty: Notes Toward a Cultural Geography of Authorship" *Stanford Law Review* 48 (1996), 1293-1355; Peter Drahos and John Braithwaite, *Information Feudalism* (London: Earthscan Publications Ltd., 2002).

10. See, for example, Gerald Frug, "Property and Power: Hartog on the Legal History of New York City," *American Bar Foundation Research Journal*, 9, no.3 (Summer 1984), 673-691; Damien Collins and Nicholas Blomley, "Private Needs and Public Space: Politics, Poverty and Anti-Panhandling By-Laws in Canadian Cities" in *New Perspectives on the Public-Private Divide* (Vancouver: UBC Press, 2003), 40-67; Don Mitchell, "The Annihilation of Space by Law: The Roots and Implications of Anti-Homeless Laws in the United States" *Antipode* 29 (1997), 303-335; and Lynn A. Staeheli and Don Mitchell, *The People's Property? Power, Politics, and the Public* (New York: London: Routledge, 2008).

11. Morris Cohen, "Property and Sovereignty," *Cornell Law Quarterly 13*, no. 8 (1927), 13.

12. Michael Asch, *Home and Native Land: Aboriginal Rights and the Canadian Constitution* (Ontario: Methuen Publications 1984).

13. Legal scholar Patrick Macklem supports this assertion, stating that, "Canada became a sovereign state against the backdrop of a pre-existing distribution of territory among Aboriginal nations. Constitutional protection of Aboriginal title acknowledges the fact that Canada was and continues to be constituted on Aboriginal territories" Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001), 104.

14. Asch.

15. As the Royal Proclamation states: "AND WHEREAS, it is just and reasonable, and essential to our interest, and the security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our protection, should not be molested or disturbed *in the Possession of such Parts of Our Dominions, and Territories*, as not having been ceded to or purchased by Us, are reserved to them or any of them, as their Hunting Grounds…." King George III, *Capitulations and extracts of treaties relating to Canada: with His Majesty's Proclamation of 1763* (Quebec: P.E. Desbarats, 1800), 26-27. (*emphasis added*).

16. John Borrows, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government," in *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, ed. Michael Asch (Vancouver: UBC Press, 1997), 155-172.

17. Borrows, 155-172.

18. Macklem, 104.

19. Richard Bauman, "Property rights in the Canadian Constitutional Context" *South African Journal on Human Rights* 8 (1992), 344-361.

The Charter of Rights and Freedoms (1982) contains no express protection of private property rights. Unlike the American Bill of Rights (Amendments V and XIV) and the European Convention on Human Rights (Article 1 of Protocol No. 1) and also the International Convention on Civil and Political Rights (Article 17-1), Canada chose not carry over the protection of property rights from the 1960 Canadian Bill of Rights (for discussion on why property rights were not included in the patriated constitution, see Roy Romanow, John Whyte, and Howard Leeson, *Canada… Notwithstanding: The Making of the Constitution, 1976-1982* (1984) at 216-62). The Bill of Rights is an ordinary statute, which rose against a background of egregious racial discrimination that denied Chinese, Japanese, and Hutterite communities rights of employment, land and home ownership and it is still in effect, but rife with problems that make the courts reluctant to enforce, and is generally under-used (for discussion on the ongoing relevance of the Bill of Rights, see Philip W. Augustine, "Protection of the Right to Property Under the Canadian Charter of Rights and Freedoms" (1986) 18 *University of Ottawa LR* at 61-6). The Charter does contain two provisions in Section 7- the right to security and right to liberty—that have been interpreted as potentially protecting economic and property rights, but since property is not explicitly mentioned, these rights could be interpreted otherwise, as well, for example, as protecting bodily integrity or privacy.

The federal government's power of expropriation has been found in its residual powers under Section 91: see *Munro v National Capital Commission* [1996] SCR 663. These powers include the rights of owners to object and are usually accompanied by some compensation and significant common law protection. As Bauman writes, "In every Canadian jurisdiction procedural guarantees exist to ensure that the owner receives timely notice and a fair hearing before the expropriation can be carried out." Bauman, 351. He cites the Expropriation Act, RSA, 1980, C-E-16, which reflects the substantial modernization of the law which took place in 1794.

20. Paterson, Gilbert C., *Land Settlement in Upper Canada, 1783-1840*, Sixteenth Report of the Department of Archives, Province of Ontario, (Toronto 1920), 26.

21. See, for example, David Harvey, "The 'New' Imperialism: On Spatio-Temporal Fixes and Accumulation by Dispossession" *The Socialist Register* 40 (2004), 63-87; Rosa Luxemburg, *The Accumulation of Capital* (1913; repr., London: New York: Routledge, 2003), chapters 26-30.

22. see, for example, Luxemburg, 1913; Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 1985); Harvey, 2004; Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000); *Neoliberal Environments: False Promises and Unnatural Consequences*, eds. Nick Heynen, J. McCarthy, W.S. Prudham and P. Robbins (London: New York: Routledge, 2007); Neil Smith, *Uneven Development: Nature, Capital, and the Production of Space* (Oxford: Basil Blackwell, 1984).

23. (for example, Federici, Silvia, *Caliban and the Witch—Women, the Body and Primitive Accumulation* (New York: Autonomedia, 2004); Maria Mies, *Patriarchy and Accumulation on a World Scale* (New York: Zed Books, 1998), see in particular, Chapter 2-Social Origins of the Sexual Divisions of Labour; Howard Adams, *Prison of Grass*, (Toronto: General Publishing, 1975); Fanon, Frantz, 1961, *The Wretched of the Earth* (New York: Grove Press, 2004); Jim Glassman, "Primitive Accumulation, accumulation by dispossession, accumulation by 'extra-economic,' means" *Progress in Human Geography* 30, no.5 (2006), 608-625.

24. Paul Rynard, "Welcome In, but Check Your Rights at the Door." *The James bay and Nisga'a Agreements in Canada*, Canadian Journal of Political Science, 33, no.2 (June, 2000), 218.

25. Carole Blackburn, "Searching for Guarantees in the Midst of Uncertainty: Negotiating Aboriginal Rights and Title in British Columbia" *American Anthropologist* 107, no.4 (2005), 586-596.

26. Blackburn, 586-596.

27. Deborah Simmons, "After Chiapas: Aboriginal Land and Resistance in the New North America" *The Canadian Journal of Native Studies* 14, no.1 (1999), 125-126.

28. Norman Zlotkin and Donald R. Colborne, "Internal Canadian Imperialism and the Native People" in *Imperialism, Nationalism, and Canada*, ed. Craig Heron (New Hogtown Press, Toronto, ON; Between the Lines, Kitchener, ON, 1977).

29. Morton J. Horowitz, "The History of the Public/Private Distinction" *University of Pennsylvania Law Review* 130, no.6 (1982), 1424.

30. Leroy Little Bear, "Aboriginal Paradigms, Implications for Relationship to Land and Treaty Making" in *Advancing Aboriginal Claims: Visions/Strategies/Directions*, ed. Kerry Wilkins (Saskatoon: Purich Publishing Ltd., 2004).

31. Little Bear.

32. See *Calder et al. v. Attorney-General of British Columbia*, S.C.R. (1973), 313; and R. v. Guerin 2 S.C.R. (1984), 345. Hereafter, referred to as *Guerin*. This was a British Columbian case involving the Musqueam Band and a tract of their reserve land, alienated to the province, and used against the wishes of the Musqueam band's original agreement. The "trust-like" relationship between the First Nation and provincial Crown was found to be violated by the secrecy of lands use that by virtue of the Royal Proclamation, the Crown still maintained responsibility over. See also Little Bear, 33.

33. Little Bear, 36.

34. RCAP, "Treaty Making in the Spirit of Co-existence: An Alternative to Extinguishment." Government of Canada, URL: http://www.ainc-inac.gc.ca/ch/rcap/rpt/index_e.html (1991).

35. RCAP, 14.

36. Bryan, 16. Bryan examines the European history of property rights and how it is exemplified by a rationalistic tendency that is captured by a technological worldview. This rationalization comes to be the way we understand ourselves in the world, which can be explained as the harnessing of things in terms of their ability to be turned into something consumable. Rationalization is revealed to us through language and a particular *enframing* or *'gestell'* that Heidegger calls technological. Technology is what constitutes us, and it demands that nature supply us, that it form a reserve to supply human use. It must be transformed into 'standing reserve' thus ordered - structured - and in this way, reveals the world at large. "With technology, the 'real' is revealed as 'standing reserve'… Technology… makes demands of nature, and that demand is one of supply." This standing reserve is assumed to be a universal reality.

37. Sue Roark Calnek, *Algonquins of Barriere Lake Background Reports—Volume 3: The Social Organization of Barriere Lake Algonquin Land Use*. A Report to the Algonquin Nation Secretariat, Michikanabikok Inik, Algonquins of Barriere Lake. (November 11, 2004), 38.

38. Proudhon, Pierre-Joseph, *What Is Property? or, An Inquiry into the Principle of Right and of Government* (1840).

The Unreal Estate Guide to Detroit: Properties in/of/for Crisis by Andrew Herscher

"A purely imaginary fabrication of value is a key component of the financial game as well as gentrification processes… What might occur if the urban multitudes and the art world enter this valorization game and recover a common power over the chain of value production which these days is revealing its inherent fragility?"
—Marco Pasquinelli, *"Beyond the Ruins of the Creative City: Berlin's Factory of Culture and the Sabotage of Rent."*

"The most important change in the earth's landscape is not any shift that would be perceivable on an aerial photograph; it is the shift in what we value."
—William Bunge, *"The First Years of the Detroit Geographical Expedition: A Personal Report."*

For Sale: The $100 House

Could Detroit— a "shrinking city," a "ruined city," a "disappearing city," a "dying city," a city that has defied all attempts at renewal—become a haven for enterprising young artists? What effect would an infusion of artistic creativity into Detroit have on the city's apparently abject condition? What sort of urban transformations would follow from artistic exploitation of an environment that is, at once, in sublime decay and severe economic decline? Would a migration of artists to Detroit comprise a kind of urban stimulus package, a self-starting program of urban renewal? Is there an artist-led urbanism, particularly suitable for post-industrial sites of urban crisis? Such questions were raised, if only implicitly, in "For Sale: The $100 House," an op-ed piece by the Detroit-based novelist, Toby Barlow, in the *New York Times* in March 2009.[1]

In this essay, which sparked a national and international media buzz about an emerging interest in Detroit on behalf of community-based artists, Barlow wrote enthusiastically about the artistic potentials of Detroit: "a vast, enormous canvas where anything imaginable can be accomplished." The title of his piece referred to a $100 house in Hamtramck, an incorporated city within Detroit, bought by artist immigrants from Chicago. This house, cited in almost all subsequent media reports, seemed to stand for the creative opportunities afforded by a city where living expenses, from property on down, have descended to the absolute minimum. "A strange, new American dream can be found (in Detroit)," Barlow claimed, because artists can "leverage Detroit's complex textures and landscapes to their own surreal ends." In Barlow's essay, that is, Detroit's depleted economy is seen to yield a double reward to artists: real estate cheap enough to purchase, but also real estate set within an aesthetically evocative urban setting. Detroit here becomes an artistic resource that is at once culturally valuable, at least to artists, and economically available, even to artists.

But how strange is the dream that Barlow describes? How new is this dream? Is the phenomenon he sketches out even a dream—which is to say, unreal—at all? From dominant political, economic and even cultural perspectives, the dream at stake in Detroit is a dream of gentrification. According to urban theorist Richard Florida, for example, artists are the vanguard of a "creative class" that drives the economic development of post-industrial cities.[2] First come the artists and their creative colleagues, Florida argues, and then come improvements in property, the development of retail and service businesses, and a rise in property values and tax bases: creativity conjures disposable income and tax revenues and neighborhoods become renewed in the process. In this model, artists are first stage gentrifiers, preparing the ground for the doctors, lawyers and other professionals who would eventually follow them—and who, inevitably, would also replace them. This replacement, sometimes termed the "SoHo effect" for the location where it first became visible, is the success of gentrification in its own terms.

It is also a success that occurs without the collaboration of the artists who facilitate it; artists are usually co-opted by gentrification, rather than advocates for it. Indeed, the "success" of gentrification is highly qualified. With the renewal that gentrification brings comes not only property development and rising property values, but also the displacement of those for whom ungentrified neighborhoods possess their own particular values—these are not only artists but also the working class, recent immigrants and communities marginalized in other ways, whether socially, culturally or ideologically. Through their facilitation of gentrification, then, artists start a process that sometimes leads to their own eviction and to the destruction of precisely the environment that attracted them and allowed their creativity to flourish in the first place.

Crisis as Opportunity

Whether artist-led gentrification might ever be successful enough in Detroit to yield the displacement of artists themselves remains an open question. But a much more salient question is whether art has to take on responsibility for such things as building communities, securitizing neighborhoods or raising property values in order to render itself worthwhile in the first place. Are there ways of thinking about artistic agency and urban crisis outside the frame of gentrification? Can an "urban crisis" comprise not only a problem to solve but also an opportunity to develop new ways of imagining, understanding and inhabiting a city? Detroit provides an ideal location to consider these sorts of questions, as well.

Detroit's decline long predates the current recession; the latter has only exacerbated the decline, allowing its processes to more intensively unfold and its effects to further proliferate. Almost all narratives of this decline are premised on *loss*, with the loss of property value at once both fundamental and metaphorical, a cause of and figure for a whole series of other losses: of urban population, of urban territory, of urban infrastructure, of urban order, of urbanity itself. The postulation of loss yields, as its product, vacancy, absence, emptiness, shrinkage or ruin—the terms that are conventionally employed to characterize Detroit's novel condition. Seemingly tendentious proposals to cultivate Detroit as an urban landscape or museumify the city as an exhibition of ruins are based on the conventional narrative of loss, with either the nature of prairie or the culture of ruins standing in as a voided urban form. Even Toby Barlow's paean to Detroit as the potential locus of a "strange, new American dream" partakes of this narrative: "anything imaginable" can happen on the city's canvas because that canvas is, supposedly, blank.

But what if what has also been lost in Detroit is the capacity to understand new urban conditions, conditions in which value is no longer structured economically, in the terms of free-market capitalism, but in wholly other terms? What if Detroit has not only fallen apart, emptied out, disappeared and/or shrunk, but has also transformed, becoming a novel urban formation that only appears depleted, voided or abjected through the lens of conventional urbanism? What if property in Detroit has not only lost one sort of value—a value brokered by the failing market economy, a value registered by the $100 house—but has also gained other sorts of values, values whose economic salience is absent or even negative?

"Unreal estate" is a conceptual framework for exploring these propositions and thereby reconsidering the cultural agency of art and architecture in moments of urban crisis. Unreal estate is a name for urban territory that has slipped through the literal economy, the economy of the market, and entered other structures of value, including but not limited to those of survival, invention, imagination, play, desire and mourning. The values of unreal estate are unreal from the perspective of the market economy—they are liabilities, or *unvalues* that hinder property's circulation through that market. But it is precisely as property is rendered valueless according to the dominant regime of value that it becomes available for other forms of thought, activity and occupation—in short, for other value regimes. Thus, the extraction of capital from Detroit has not only yielded a massive devaluation of real estate but also, concurrently, an explosive production of unreal estate, of "valueless" urban property serving as site of and instrument for the imagination and practice of alternative urbanisms.

Speculating on Unreal Estate

The $100 house could well comprise an example of such "valueless" urban property. Yet the development of unreal estate can and should be distinguished from the development of undeveloped real estate. The former is not an *investment* that will pay off in a better world-to-come, whether within or beyond the market economy; it is, rather, an *expenditure* in the present moment, critically refusing to mortgage that moment for another, different future. If the development of unreal estate involves an exchange, then, it is the exchange of a teleological system of progress in which the present is, by definition, inferior, incomplete or inadequate, for an ongoing commitment to that present as a site of exploration and investigation. In the frame of unreal estate, therefore, Detroit is not a problem to solve by means of already-understood metrics of evaluation, but a situation to understand, in terms of both its challenges and possibilities.

This is not a mere surrender to an environment suffused with social suffering, a bad present that calls out for improvement, whether that improvement be offered by artists or by governments. On the contrary: it is the postulation of the present as a temporary phase within a moralized continuum of progress that allows that present to be tolerated and accepted. The conditions of this temporary present are redeemable "problems" and "failures," subject to improvement in and by a future yet to come, rather than inexorable situations whose values and potentials must be analyzed rather than assumed. To explore unreal estate, rather than undeveloped real estate, is to confront the complex (un)reality of property that has been extruded from the free-market economy; it is to see the margins of that economy as sites of invention and creativity as well as suffering and oppression, a perspective that may very well be "so remarkable as to elicit disbelief."

The world of unreal estate thus offers a parallax position from which to assess value, an alternative to the single fixed vantage point established by the market economy. In the world of unreal estate, precisely those urban features that are conventionally understood to diminish or eradicate value (inefficiency, waste, redundancy, danger, uselessness, excess) are what create possibilities to construct new values. What usually appears to be the "ruin" of the city thus becomes projective or potential. Reciprocally, the processes that are conventionally understood to support the "renewal" of the city (investment, community-building, securitization, functionalization) become, by contrast, banal at best and destructive of unprecedented futures at worst.

Not Everyday Urbanism, But Counter-Urbanism

Speculations on Detroit's unreal estate are being made not only by artists but also activists, anarchists, community associations, explorers, gardeners, neighborhood groups, scavengers, slackers and many others—a heterogeneous array of individual and collective urban inhabitants whose cultural agencies are diverse but whose skills, techniques and knowledges are specific, directed and often profound. A commitment to unreal estate, then, most certainly involves a commitment to the production of urban space and urban culture by a wide and diverse range of a city's inhabitants. In urban studies, this latter commitment has been claimed by a discourse that revolves around "everyday urbanism."[3] Unreal estate, however, defines a crucially different object of study than that defined by everyday urbanism.

The framers of everyday urbanism pose it as an urbanism of the "mundane" and "generic" spaces that "ordinary" city-dwellers produce in the course of their daily lives—spaces that "constitute an everyday reality of infinitely recurring commuting routes and trips to the supermarket, dry cleaner, or video store."[4] At the same time, everyday urbanism is also supposed to comprise a De Certeau-style catalogue of "tactics" apprehended by the weak and powerless, a kind of bottom-up urbanism that "should inevitably lead to social change."[5] But this layering of political agency onto the quotidian practices of everyday life produces contradictions: everyday urbanism is posed as at once mundane *and* tendentious, at once descriptive *and* normative, at once inherent to a system *and* an alternative to a system. How does driving to the video store inevitably lead to social change? What sort of weakness and powerlessness mark those who rent videos? Why is it the customer at the video store, rather than that store's employees, that is of interest to everyday urbanism? In its received form, everyday urbanism cannot but prompt such questions.

The reality of everyday urbanism is that of public responses to professionally-designed urban environments; it is an urban version of reader-response criticism, a criticism focused on the experience of readers of texts as opposed to the intentions of writers. Everyday urbanism, that is, is an urbanism of reaction, whether conciliatory or contentious, to the professionalized urbanism that shapes urban space and life. As such, it cannot sustain the progressive political project the authors of the discourse want to endow it with. Indeed, the insistent elision in everyday urbanist discourse between "everyday life," on the one hand, and "experience," on the other, points to the interest in this discourse not so much in *alternatives* to hegemonic modes of urbanism (as the discourse imagines itself to be interested), but rather in the ways in which these modes are *received* by their audiences or users. What's "alternative" in everyday urbanism is not political, a question of difference from a hegemonic structure, but rather authorial, a question of authorship *per se*.

Unreal estate, as a waste product of capitalism, is by definition an alternative to that structure's products. As such, the urbanism that unreal estate invites, provokes, sustains or endures diverges not only in its authorship from conventional urbanism, but also in its ideological orientations, cultural agencies and political possibilities. This is a counter-urbanism that involves agencies, activities, practices and values that diverge from their normative complements. This counter-urbanism emerges in situations of crisis; its practice is not an everyday matter except insofar as crisis passes for the everyday in the dominant social gaze. The urbanism of unreal estate, then, is not everyday so much as oppositional, insurgent, survivalist, ecstatic, escapist or parodic—anything that poses the dominant order as contingent, partial, inadequate, laughable, violent or any other quality that this order excludes from its self-fashioning. Counter-urbanisms emerge and develop in parallel to both the professional urbanism of architects and planners and everyday responses to that urbanism; yet it is their perceived character as subordinate, redundant or trivial that allows for their very oppositionality. The movement of a counter-urbanism is, then, double—at once an exit from and an opposition to a dominant urban regime.

A counter-urbanism takes place in a dead zone not only for free-market capitalism but also for formal politics. This is not to say, however, that counter-urbanisms are apolitical. Rather, it is to assert a distinction between governmental politics and nongovernmental politics and to locate the politics of counter-urbanism in the latter—a politics devoid of aspirations to govern.[6] Just like exits or expulsions from the market economy, rejections of formal politics also comprise invitations: to neglect or parody rather than resist, to mimic rather than replace, to supplant rather than reverse. These are invitations to consider political change and political difference not even from the ground up, for "ground," too, is the province of government, but on other grounds entirely, grounds that can instructively go by the name of "unreal."

The Unreal Estate Guide to Detroit: Selected Listings

The Unreal Estate Guide to Detroit is a conceptual guidebook to the provisional, improvised and furtive urbanism of creative survival in Detroit—an urbanism that leverages the ready availability of unreal estate to tendentious and fantastical ends.[7] The following listings, drawn from the *Guide*, are intended to depict some of the ways in which unreal estate is being imagined, apprehended and occupied.

Detroit Demolition Disneyland

Beginning in the winter of 2005, as Detroit's municipal government was preparing to host the Super Bowl by ramping up its demolition of abandoned houses and thereby "beautify" the city, a series of abandoned houses in Detroit began to be painted bright orange. In a communiqué to the online site, The Detroiter, a group of artists claimed authorship of the project, which the group termed "Detroit Demolition Disneyland."[8] Describing its project, the group wrote that it simply endeavored to appropriate houses "whose most striking feature are their derelict appearance," and frame them by painting them Tiggerific Orange, "a color from the Mickey Mouse series, easily purchased from Home Depot."

In its communiqué, the group claimed that, through painting houses, Detroit's citizens were invited to "look not only at these houses, but all the buildings rooted in decay and corrosion." This scrutiny, claimed the group, brought "awareness," and this awareness, in turn, brought possibilities for "action." Yet what, exactly, the awareness of Tiggerific Orange-painted abandoned houses involved was left undefined: Abandoned houses themselves? The city's attempt

image captions and credits:

1. Detroit Demolition Disneyland. "Hancock #2." Photograph by Object Orange, courtesy of Paul Kotula Projects.

2. Car Wash Café. Photograph by author.

3. Hygienic Dress League. intervention at Grand Army Building. Photograph by author.

4. Heidelberg Project. Photograph by author.

to repress awareness of that abandonment by destroying its most conspicuous examples? The agency of art to critique that repression? Or the limits of art, able to rhetorically critique an urban disaster without proposing alternatives to it? Indeed, while invoking "action," the only action that the group attempted to incite in its audience was mimetic: "Take action. Pick up a roller. Pick up a brush. Apply orange." But it is just this sort of action that casts the Detroit Demolition Disneyland as an occupation of unreal estate—an occupation that registers a site's deviation from a norm without destroying that very deviation in the process.

Car Wash Café

The Car Wash Café is a open-air auto storage facility/party venue/barbeque garden/personal museum operating on the site of a former car wash and café. The owner of the site, who also owns a nearby auto styling salon, purchased the site of the Car Wash Café to use as a storage facility for cars that he was in the process of repairing. He introduced a car wash that employed teenagers from the surrounding neighborhood and, when customers of the car wash and neighborhood residents began to congregate at the car wash, opened an ice-cream stand to provide refreshments and a place to spend time. The stand eventually became a sit-down café, which spilled over into the adjacent auto storage facility, sponsoring the transformation of the latter into a barbeque garden. The explicit programming of the site is complemented by its use as a space to display a rich cross-section of auto-related urban ephemera: cars, car parts, gas pumps, signal lights, roadside signs and so on.

The ability to program the site of the Car Wash Café without concern for profit-making has allowed its functions to emerge and transform over the course of time through a series of improvisational programs. Moreover, these programs, and the equipment that supports them, are themselves collected in the Car Wash Café, so that the site also serves as a museum of its own history. The signs and advertisements that fill the site publicize not a current reality, but layers of the past—a historical project that is all the more powerful by not being marked as such. The Car Wash Café is, at once, abandoned, completed, musealized and waiting to re-open for the next party.

Hygienic Dress League

The Hygienic Dress League is a corporation that creates nothing but its own image. It therefore uses video, fashion shoots, branding and advertising not as means to the end of selling products or services but as reflexive artistic works. Recognizable as advertising, albeit of an enigmatic variety, these works invite thought about themselves (what exactly are they advertising?) and about corporate modes of identity and publicity more generally.

The League's project exploits the availability of urban space and urban surface in Detroit to unprofitable expertise. Its advertisements are painted on the boards that seal up abandoned buildings, re-purposing instruments of physical closure into ones of conceptual opening. Announcing the presence of the League and the "coming soon" of something left unspecified, these advertisements also focus attention on Detroit as an object of relentless campaigns of betterment. These campaigns, premised on the inadequacy or incompleteness of the city in its current state, pose Detroit's present as nothing but the pre-history of a hoped-for future. Exaggerating this condition, the Hygienic Dress League brings Detroit's obsessive futurology into public visibility and allows it to be questioned or opposed in new ways.

Heidelberg Project

The Heidelberg Project appropriates abandoned houses and vacant lots on the 3600 block of Heidelberg Street, on Detroit's East Side, as sites for the display of made and found objects assembled by the artist, Tyree Guyton. Guyton, who grew up in a house on the block, collects and exhibits objects from the detritus he finds in and around his neighborhood: stuffed animals, vacuum cleaners, television sets, shoes, hubcaps, telephones and other items of domestic urban life. According to Guyton, the project's original agenda emerged as a defamiliarization of what was conventionally perceived to be mere garbage: "there was no plan and no blueprint, just the will and determination to see beauty in the refuse."[9] The waste objects of this oppositional aestheticization are carefully curated, arrayed on empty lots or hung from the walls of abandoned houses or trees, and at times decorated with colored polka dots, which also adorn houses, cars, trees, street surfaces and other objects on the site of the project.

The Heidelberg Project appropriates both abandoned objects and abandoned property; the latter appropriation could also be framed as "squatting," or illegal occupation, and the City of Detroit has twice destroyed parts of the project, in 1991 and 1999, in response to protests from local community organizations against the unusual circumstances created by the project: a neighborhood that was, also, an open-air urban art exhibition. These protests comprise a friction against Guyton's expression of his project's intention, which is cast in the language of community-building: "to improve lives and neighborhoods through art."[10]

What and where is the community? Who can legitimately speak on behalf of the community? Who is able to listen to the community? How can art benefit the community? The Heidelberg Project raises these complex questions without providing simple answers in response, a provocation particularly suited to unreal estate and one that may yet comprise the project's most profound social effect.

For Sale: The $1,000,000,000 House

Only a few weeks after Toby Barlow's editorial on the $100 house appeared in the *New York Times*, ABC's 20/20 broadcast a segment on some of the artist-inhabitants of those houses. In an interview on that segment, Mitch Cope, co-owner of the original house that sparked Barlow's op-ed, said that "money isn't on my radar; we're going about it all wrong if we're trying to make a profit."[11] But as the very question that elicited Cope's answer illustrates, money is indeed on the radar, and not only for the media, but also for Detroit's property developers, investors, and a host of municipal, state and national agencies besides. No matter the ideological co-ordinates of Detroit's artist-urbanists, that is, their projects are easily enmeshed within the market economy, the economy of real estate.

Yet this enmeshment itself could become a subject for art. In the same week as the 20/20 broadcast appeared, a "For Sale" sign was posted in front of a house that was owned and occupied by an artist on Heidelberg Street, amidst Tyree Guyton's Heidelberg Project. The owner/author of the house for sale, Tim Burke, identified the house as the "Detroit Industrial Gallery," designed, in his own words, as "a work of art," "a raw, whimsical sculpture," and "an unfolding story."[12] Technically, Burke's house was produced in a manner than was indebted to the Heidelberg Project and its use of scavenged material, swatches of bright colors, and abandoned urban space as exhibition area for defamiliarized detritus. Artistically, however, the most interesting aspect of the Detroit Industrial Galley was its sale price—$1,000,000,000 as posted on the "For Sale" sign—and the relationship, established by that price, between the house and the free market economy.

By pricing the Detroit Industrial Gallery at $1,000,000,000, Burke was stridently attempting to participate in the real estate market, albeit not at all in a straightforward manner. Describing his thoughts on putting his house up for sale, Burke wrote in his blog, "Why not stimulate the Detroit real estate market? Let's get things moving in Detroit again!"[13] That is, precisely the imperatives of the market economy that many artists of urban renewal explicitly attempt to refuse are what Burke is engaging, but critically, through an overt over-identification. In this over-identification, the market is neither the object of denial nor the instrument of exploitation, but rather a site of play.

The $100 houses purchased by artists in Detroit take advantage of conditions in the free market economy—a strategy that is constituent to that very economy—while the $1,000,000,000 house put up for sale by Burke parodies that economy and the values that it produces. The former strategy yields an easily-defined profit—cheap property—while the latter's intended profit is so extreme as to be ridiculous. But it is precisely this ridiculousness that renders the $1,000,000,000 house an estate that is wholly unreal, and thus, at least in the context of *The Unreal Estate Guide to Detroit*, worthy of much further speculation.

Notes

1. Toby Barlow. "For Sale: The $100 House." *New York Times*, March 8, 2009.

2. Richard Florida. *Cities and the Creative Class* (New York: Routledge, 2004).

3. See *Everyday Urbanism*, eds. John Leighton Chase, Margaret Crawford and John Kaliski (New York: Monacelli Press, 2008).

4. Margaret Crawford, "Blurring the Boundaries: Public Space and Private Life," in *Everyday Urbanism*, 24.

5. Margaret Crawford, "Introduction," in *Everyday Urbanism*, 10.

6. On nongovernmental politics, see *Nongovernmental Politics*, ed. Michel Feher (New York: Zone Books, 2008).

7. Andrew Herscher, *The Unreal Estate Guide to Detroit* (Ann Arbor: University of Michigan Press, forthcoming).

8. "Detroit. Demolition. Disneyland: A Project," http://www.thedetroiter.com/nov05/disney-demolition.php. The group later changed its name to "Object Orange."

9. Tyree Guyton, "From the Artist," in *Connecting the Dots: Tyree Guyton's Heidelberg Project* (Detroit: Wayne State University Press, 2007), vii.

10. See http://www.heidelberg.org/mission.html.

11. Bob Brown. "The $100 House: 'Wonderful and Sad'." http://abcnews.go.com/Business/story?id=7123194&page=1.

12. Tim Burke. "My Home is Sculpture." http://www.detroitindustrialgallery.com/Site/my_home_is_sculpture.html.

13. Tim Burke. "What's It To You?" http://www.detroitindustrialgallery.com/Site/Blog/Blog.html.

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Picture the Homeless Tent City

by Not An Alternative

On July 23rd 2009, Picture the Homeless, Reclaim NYC and Not An Alternative, occupied an abandoned lot in East Harlem, building an impromptu Tent City to protest the lack of affordable housing in New York. Scapegoat spoke with Not An Alternative about their collaboration.

SCAPEGOAT SAYS: How did you come to work with Picture the Homeless? It seems that the alliance between an artist collective and a group of marginalized yet self-organized urban residents appears to be unusual in most histories of art and activism.

NOT AN ALTERNATIVE: Although we've partnered many times with groups that have issue-oriented campaign goals, our interest in the partnership is not (at least first and foremost) derived from a desire to "win" a campaign we're involved in. In fact, our practice has more to do with representation than politics. As an arts group our work is oriented around representing the impossible. Our partnerships with activists groups such as Picture the Homeless are an example of this.

We engage campaigns to point to what is invisible in a given situation. By this, I don't mean working to represent content that can be made visible by providing an alternative perspective. I'm talking about pointing to what can't be symbolized, or what is actively repressed from being symbolized in a given situation. If our work appears to be political it's because representation is inherently exclusionary. The act of pointing out what is missing in a situation reveals the structure of exclusion and makes visible the politics of that situation.

Typically, but not always, our work aligns well with the activist groups we work with. In the case of Picture The Homeless the alliance worked particularly well. After all, the concept behind their name deals with picturing or making visible the homeless, which they understand very well to be the repressed excess around which the city is built.

SS: What was NAA's strategy for the occupation? How does this strategy relate to other activist and artistic strategies?

NAA: One of Not An Alternative's projects is to operate as a production company wherein, aside from the choice of who we work with and what we are aiming to do, we perform exactly as would any other production company. In the case of the tent city occupation we did with Picture the Homeless our role was limited to creating the stage from which the PTH could communicate their message. In this particular case however because it involved an illegal takeover and was planned on short notice we had no choice but to stage the role we actually played undercover, costumed as a production crew installing and shooting a low budget music video. For the project we built props, sets, printed signage, fabricated a stage, coordinated a crew of 30 volunteers for on site installation including a model and two videographers. We were also involved in coordinating the social media strategy for the event.

One thing that makes our work as a production company different than the work of other activist groups is that our function is oriented around providing infrastructural support rather and driving any particular issue. We work with groups who share our aim to build continuity between struggles and a movement. Another thing that makes us different than many activists is that we embrace strategies employed in industries associated with public relations. Surprisingly (at least for us) most activist groups reject marketing strategies, they charge them with being inherently corrupt as a result of being associated with the production of "the spectacle," and instead favor "ethical" forms of communication such as media analysis, deconstruction, and a reliance on the representation of data.

We see our work to be connected to a few different artistic institutions. For example those associated with artists working in the genre of "Institutional Critique," made famous in the United States by artists such as Hans Haacke, Jenny Holtzer, Mark Dion, Fred Wilson, Andrea Fraser, and Alfredo Jarr. However, where these artists engage for the most part only from within the confines of traditional institutions (museums, art galleries etc) we understand institutions as bio-political apparatuses, structuring every interaction of contemporary life.

SS: You have stated in other contexts that you embrace a status of exteriority. You position yourselves "not as an alternative," as exterior to the system, but rather in relation to a hole, or lack, within the capitalist system itself, that is somehow constitutive of it. How does the strategy you used for this occupation with Picture the Homeless relate to your larger objectives as an organization, especially to your ideas about collaboration and solidarity more generally?

NAA: The Picture the Homeless occupation case study above unfortunately isn't really a good example to explain this concept so I'll use the name Not An Alternative to do the same.

Capitalism's power is sustained by a process that perpetually feeds itself alternatives. It grows as long as there are alternatives that it can subsume and transform into fuel. Anarchism becomes T-shirt decoration, disaster becomes justification for war, protests become proof that freedom of speech is alive and well. Every attempt to constitute, name, or make visible antagonism or otherwise escape is immediately processed in order to drive the machine forward. Margaret Thatcher's famous quote, "There is no alternative," originally made in the 1980's, has become emblematic of the idea that there is no exterior to the Capitalist system. For years since, the quote as been emblematic of our era from which it is very difficult to imagine any real alternative to the system she described. Some of the questions our group seeks to answer through our work are how can a real alternative to capitalism be constituted? How can we represent a counter-power? How can that which exists outside of capitalism be made visible without being Capitalism?

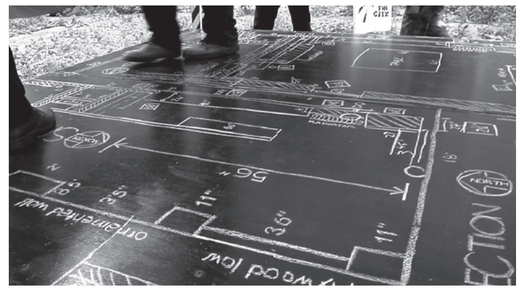
In the case of our name, Not An Alternative, a slightly twisted misreading inverts Thatcher's words, orienting their meaning towards describing the opposite of what she had originally intended. "There is no alternative" becomes "there is such a thing as no-alternative (or not an alternative)." The name exploits a slippage in language. Where the words on the one hand describe a condition of the contemporary world in the negative they at the same time serve to positively account for an inherent contradiction that her original words ironically invoke. Embedded in the same words, but this time adopted as a name, we read the quote as an expression describing an unsymbolized excess; an alternative inherent to and at the same time beyond the system itself. In this action nothing new is invented for Capital to use as fuel and yet a transformation has taken place. "Something in the negative" becomes "no-thing in the positive." In this instance where the meaning of her words slip, the power of the famous quote is vacated and a new power is localized in the shift.

For us at this point Thatcher's words represent a way of making visible that which she likely wanted to disappear. No longer do we look for "another world (that we believe) is possible" because we understand that this world is already its own alternative, present as the impossibility of the system itself.

Beyond this example, as far as the larger objectives of our organization goes, our work is essentially a mapping project where we aim to provide a kind of interface between material resistance movements an the spectacle through which they are made impossible and possible.

Not An Alternative is a non-profit organization with a mission to affect popular understandings of events, symbols, and history. We curate and produce work that questions and leverages the tools of advertising, architecture, exhibit design, branding, and public relations. Programs are hosted at a variety of venues, including our Brooklyn-based gallery No-Space (formerly known as The Change You Want To See Gallery).

Photographs by Not An Alternative



SUB_city

by Marc Maxey

Detroit is a capital vacuum, rendering both land and objects valueless. 36,000 properties have been sucked onto the city's books. While the dysfunctional city government continues to falter, residents and non-profits are burdened with picking up the slack.

SUB_city seeks to take over city owned property through acts of spatial subversion by ignoring the political system.[1] *SUB_city* is a new, autonomous city within the city, aligning residents, non-profits, and creative practitioners to wage an invisible, non-violent war on the city through a diversion of capital. Detroit is not a problem to solve, it is a problem to ignore.

When property no longer has exchange value, a fundamental relationship is exposed, which equates ownership to government support in the form of taxes. To invest capital and labor into one's home, place, neighborhood, or city, is to be patriotic. By living or working in Detroit, one is supporting Detroit.

SUB_city rejects the notion of supporting a failed government by claiming city-owned land for productive use without paying obscene taxes to a defunct city. Through networks of local organizations and individuals, a decentralized constituency will be formed to begin the foundation for *SUB_city*. Action will manifest itself in creative acts of subversion, organizing groups and individuals for mutual benefit, and providing services to depleted neighborhoods by way of small-scale entrepreneurship. Territory will be marked through a curatorial process of spatial interventions:

Suspended Disbelief is an act of re-appropriation: an abandoned and dilapidated house in Detroit is renovated and portions of the house are suspended to create a floating and dematerializing structure. The valueless becomes valuable as it creates an anticipatory space; it is a house in transition, deconstructing and reconstructing itself simultaneously.

Liner Gardening in *SUB_city* stretches for miles in single rows. A narrow strip of corn runs through 1000 backyards, stitching fragmented neighborhoods and connecting others. Instead of attracting community, the garden confronts community. Tending a strip of horizontal garden becomes political: to keep it alive is to vote for the community. Dying segments of the row indexes non-participation.

Continuous Monument of Dis_urbanization suspends disbelief and multiplies it throughout the city. One hundred abandoned and burned-out structures are now floating above the ground plane of the city. They have been charged and, full of energy, they begin migrating towards a larger gesture: the continuous monument. Superstudio's *Continuous Monument* was an expression of man over nature, achieving total urbanization.[2] *SUB_city*'s continuous monument is the inverse, the nature-of-total-urbanization over man: the mass exodus of capital, River Rouge, and the power to render the city into a suburb.

The Urban Combine is composed of retired construction equipment mashed up to create a single machine that consumes concrete, brick, and asphalt to produce gabions. Grappling paddles move and stack the gabions into place inside old foundations to create huge footings for *The Continuous Monument of Dis_urbanization*. The Urban Combine consumes the bones of Detroit.

As *SUB_city* propagates throughout Detroit, residents and business owners will be given the option of protesting their failed city through the diversion of tax funds (sales, property tax, income tax) to a *SUB_city* Escrow account that will act as a banking switch valve, keeping the money flowing to the city of Detroit–business as usual. As the project gains momentum and more residents begin to politically identify with the new city, they will sign up to participate in the tax loop, the Escrow relay switch. When there is a critical mass, the switch will be flipped, creating a single violent act of capital warfare. Detroit will instantly weaken, allowing *SUB_city* to emerge as a new form of post-industrial urbanization.

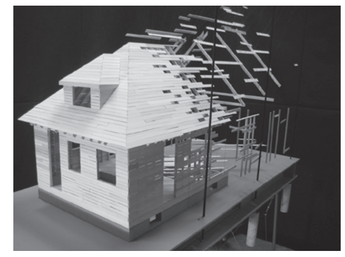
Marc Maxey is a designer for OPEN Architecture in Beijing. He graduated from University of Michigan in 2009 and received several awards for his academic work. Prior to studying architecture, Marc worked as a mechanic for BMW of Manhattan but traded his wrenches for pencils in 2005. He also operates an independent practice with partner Ellen Donnelly, called max_ed out, which designs, thinks, and makes wildly.

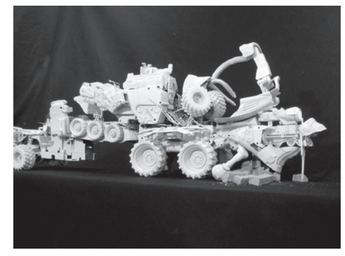
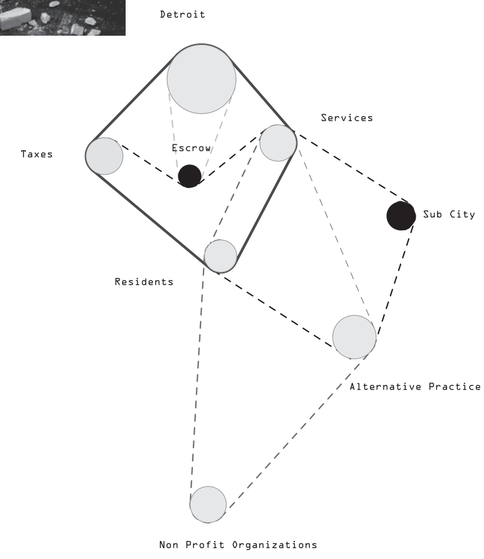
Notes

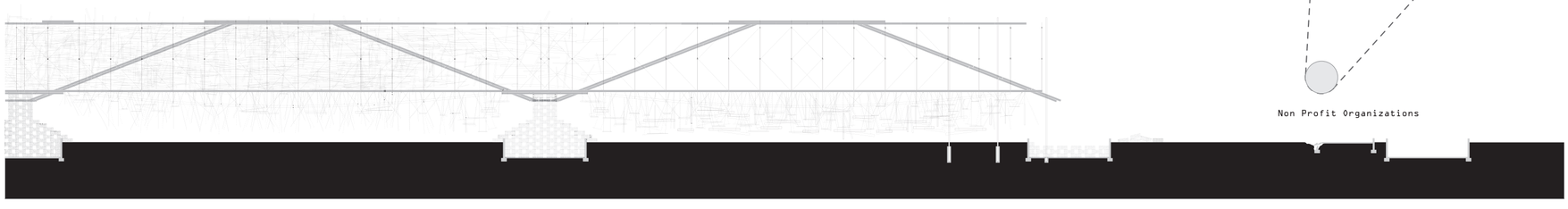
1. SUB_City was produced in *The Detroit Unreal Estate Agency*, a design studio taught by Mireille Roddier in the Taubman College of Architecture and Urban Planning at the University of Michigan.

2. Peter Lang and William Menking, *Superstudio: Life Without Objects* (New York: Skira, 2003).

Images courtesy of Marc Maxey





Reviews

FILM/DOCUMENTARY
Wasting Naples
nicol*angrisano, 2009, 77 minutes,
Insu^TV [www.archive.org/details/WastingNaples]
Reviewed by Alessandra Renzi

"Here the 'state of emergency' is another form of government, they should teach it in political science: there is monarchy, tyranny, democracy...and 'Emergency'!" *Wasting Naples*' narrator gives voice to some of our own experiences when he jokes about this new mode of governance. How often have we watched our sheriffs pull out the emergency gun from their holster whenever the star-shaped badge no longer did the trick?

More than a review, this is a tale of how some communities faced off against the gun, using video cameras to pose unwanted political questions about the environment. It is a tale because, once a documentary becomes a tool for collective narration, it is hardly possible to tell its story without contributing to the narrative. This contagious practice is now spilling out of the setting where a surreal tale about a 15-year-long garbage emergency originated. It is reaching other ears and mouths, because garbage does not only feed the dysfunctional (some would say dystopic) Italian state. What was once considered useless material has become a source of financial accumulation. It is the monetary afterlife of property, forever turned into gold from the (poisonous) ashes of (incinerator) hell.

Watching this movie, Naples' crisis may make Toronto's 2009 garbage strike seem more like a minor inconvenience, but shouldn't leave us feeling too good about the smell of our garbage. Who is behind the design and management of waste plans? Which communities are affected the most, and why? Where does the money come from and where does it land? Do we care where our garbage goes? We should, and Wasting Naples teaches us why through the voices of the communities affected by an emergency, those who caused it, the ones who tried to solve it, the ones who had no interest in solving it. It is time we stopped thinking that tree huggers should deal with recycling and green bins while we march to the drums of labour, war and other causes. It is time we brought garbage into our critique of capital: to see where it intersects with other issues and to use it as a way of acting politically. The effects are in the process. Use your imagination.

Documentaries have a director, producers, camera operators, editors, musician, and so on. They have huge budgets and copyrights. *Wasting Naples* has none of this, at least not how we know it. Mind you, this is not your usual grassroots movie either.

The name nicol* angrisano, appearing under the label "director," is a collective identity for those behind the Insu^TV project (www.insutv.it). This non-profit, pirate television channel is a node in the Telestreet network (www.telestreet.it), set up in 2003 to bypass Prime Minister Berlusconi's control of 90% of the Italian media, and to enable different forms of expression through the language of television. Their public persona "stands for a multiplicity of visions and perspectives, it uses a low letter case because s/he refuses the concept of authorship; s/he takes the asterisk to inflect for all genders. It is a collective—a connective—identity radically searching for different reading cues to transform simple narrations into tools of struggle and liberation." nicol* is as much a symbol as a mode of collaboration.

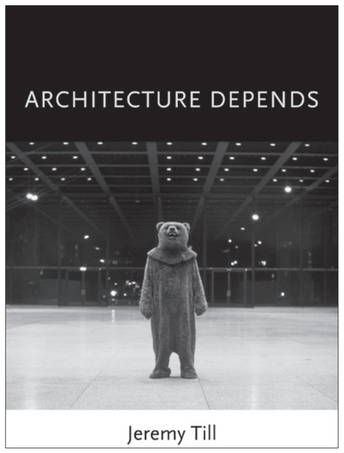
Catalysed through Insu^TV, under the guise of nicol*, hide countless helpers and volunteers: the communities, the bottom-up producers, a famous actor who lent his voice (and face), a couple of cinema personalities, post-production studio donors, independent musicians, promoters and so on. *Wasting Naples* condenses over 500 hours of recorded or borrowed tapes. During their collection, the director let herself be contaminated by the experience of the communities hit by these events, gathering more momentum and voices. Many more people joined nicol* as producers through the website *Produzioni dal basso* [bottom-up production] (www.produzionidalbasso.com). Here video collectives can post a trailer of their movie to buy on pre-order thus contributing to its production. What brought everyone together were not the expectations of box office revenues but an unstoppable need to tell a story about places we live in, and what we are doing to them while we assume that waste removal is merely a civic service. nicol* is now invited to screen *Wasting Naples* everywhere, to help support new struggles.

Framed like a story, with all the mean characters and heroes that belong to this oral genre, *Wasting Naples* presents a multilayered analysis of the relationships and conflicts among government, the media, the "ecomafia," powerful corporations, and poisoned areas, crops and inhabitants. It does so by calling forth all the aspects and groups that intersect with garbage. Obviously, it was all there before the movie, but no one had brought it all together, not even the judge involved in the ecomafia investigations who, at the premiere, (somewhat pompously) declared that he "will follow up on the evidence presented to the audience."

Unlike much grassroots video work that neglects expression for content, the language of *Wasting Naples* is also constitutive of its production process. Aggressive in its pace, the movie also offers loving images of Neapolitan scenery and its deturpation. Violence and frenzy have been a marker of the garbage emergency. Still, the police beatings, expropriations and army incursions did not erase all the optimism of protesters. The real tragedy though is how, for years, these environmental struggles were portrayed by the media as the work of thugs recruited by the local mafia to maintain control of the garbage business. Adding insult to injury, the foul mountains of garbage in the streets of Naples became the mythical silver bracelet adorning the scapegoat banned from the city. Only now, through *Wasting Naples* connective practices, the goat comes back to tell her story, and to show us how to tell our own.

Alessandra Renzi is a post-doctoral fellow at the Infoscape Research Lab - Centre for the Study for Social Media, where she is looking at examples of dissent criminalization through the G8/G20 in Toronto. Alessandra's work emphasizes the development of radical research methodologies and collaborative creative practices that relay the links between academia and activist communities.

TEXT
Architecture Depends
Jeremy Till, MIT Press, 2009, 232 pp.
Reviewed by Lucas Freeman



Jeremy Till's reality check for the architect: your projects are subject to contingencies, like most other things cast into the world; act accordingly. This may seem like an obvious point to be making and, from the outset, Till admits as much. After all, most of us who have carried a "creative baby" to term, only to let it loose in the end, encounter the discomfort of turning an idea into *an event*. We can never fully anticipate what our work will be like amidst the various real-world forces that condition its arrival. Production is a nebulous affair. While such a conclusion hardly offends common sense, it is not something that architecture students and professionals are encouraged to face with productive enthusiasm. Quite the contrary, Mr. Till argues. His *Architecture Depends* is offered as a "tough love" lesson for a profession that struggles vainly to avoid cross-contamination, waste, and loose ends. In reality, Till stresses, architecture will always depend on a complex social and institutional mess: "mess is the law." With this insight squarely in the frame, he insists, there is an opportunity for the profession to transition from representing its practitioners as elite problem-solvers or legislators of hard space to conceiving of them as interpreters of space or "citizen sense-makers." Optimizing the agency of the architect depends on normalizing this transition, starting from the first days of architecture school.

Architecture Depends lays out the broad outline of a "perspectives course," one that avails us of the many minds that eschew the Vitruvian foundations of the architecture profession. Thankfully, he reminds us, for every Vitruvius there will be a Bataille. The first of three parts provides a collection of perspectives on architecture's cultural battle against contingency, describing the foundation and transmission of architecture's culture of detachment and elitism. Till illustrates that, in general, architecture "tribesmen" continue to manifest a range of unworldly pathologies, from narrow social indifference to delusional messianism. Part two is a whirlwind tour through the coincidental nature of space and time, one that aims to demythologize the authoritative terms of "purity" and "stability" and to expose the practical disadvantages of blandly privileging space over time as the subject matter of architecture. He suggests that timing concerns are inadequately conceived and communicated at the various stages of architectural planning and production. Part three moves on to promote the architect's agency as an interpreter of space and as a facilitator of spatial possibilities. Mr. Till shifts our attention from the architect-expert who "sets the scene" from outside to the "situated" architect-citizen. In this way, the book ends by highlighting a kind of democratic ethics appropriate for the architecture professional.

The value of *Architecture Depends* does not lie in having responded to a new problem. Nor does it lie in the analytic rigour with which the author pursues each topic he discusses. The true value of the book is that it presents, in a relatively tight space, a wealth of smart anecdotes, analogies and images that help us conceive of a more worldly architect. To list a few, most readers will find Mr. Till's case for the analytic value of trash, the acrobat-architect analogy, and the significance of Joyce's *Ulysses* for architecture compelling and illuminating. The book performs a wonderful contextualizing function, making architectural intervention, from idea to event, depend on the wide range of human habits and spheres of influence that we normally sum up as "the world."

Lucas Freeman is a doctoral candidate at the University of Toronto, in the department of Political Science. His work focuses on the relationship between political psychology and public art and architecture.

FILM/DOCUMENTARY
24 City
Jia Zhangke, 2009, 112 minutes, China, Hong Kong, Japan
Reviewed by Kin Tsui

In early March, 2009, Jia Zhangke's new film *24 City* began to be shown at movie theatres in Chinese major cities. It is a film that is quite different from Jia's former films in the way that it uses the documentary form. *24 City* is the name of a real estate project in construction on the site of a state-run airplane engine factory (now called Chengfa Group) in the city of Chengdu. Like many Chinese state-run factories that moved out of city centres during the 'structural reform'of the mid-90s, Chengfa Group and its workers underwent a painful experience in this unprecedented social change. Structural reform uniformly amounted to factory closures, worker lay-offs, and the selling of land to real estate developers, or the setting up private-public joint-ventures. Reflecting this transformation on film is a challenging job for a film director who works in a social environment that lacks of basic freedom of speech and with a government that frequently intervenes in any film production that might challenge its power and ideology.

Jia Zhangke is a Chinese film director who is well known for representing the daily life of migrant workers in urban areas, a very sensitive topic in China that other directors refrain from addressing for both political and commercial reasons. Jia purposely keeps his distance from mainstream Chinese commercial films and sincerely tries to use his specific perspective to represent marginal social groups that are often neglected and forgotten in the grand narrative of globalization. In *24 City* Jia uses a documentary approach. His camera does not construct a narrative, or arrange the plot with its consequent closure, key elements to most feature films. By using the documentary format, the camera acquires freedom and independence from narrative, and can capture any object, event, or detail, that reflects social reality or a certain social group's daily life. In comparison with his early films that focus on migrant workers or young people who live in rural areas or small cities and towns, but yearn for big city life, this film directly touches on issues of land development and financial capital, both of which play a extremely significant role and function in the drastic reconstruction and reshaping of urban form and urban reality in present-day China.

Jia bases his film on interview and portrait photography, letting interviewees tell their own stories and explain their experiences of daily life directly to the camera. He is able to promote a marginal social group's image on screen to a dominant position usually occupied by the upper class in a portrait painting of traditional art history, or by the main 'heroic' characters in a commercial film.

There are a number of details within the film that are worth ruminating on. At its beginning, factory workers attend a land transfer ceremony arranged by the factory management and the property developer. Together they organize a performance to create a celebratory atmosphere. This is quite common in China, but what appears incongruous is that the workers continue to prefer to sing socialist songs popular in the 1950's to 1970's. On one hand, this reveals the workers social identity and their historical memory. On the other, it reflects China's social reality: that socialist ideology and the capitalist market economy coexist in an extremely contradictory way within the 'reform and opening' era and that the state still steadfastly believes that 'socialist' ideology can dominate and control the capitalist market economy, even though the reform policy adopted in the past three decades by the state is substantially neoliberal. The next scene can be used to further explain the extreme contradiction of the current social situation in China and the great impact of reform policy on a state-owned enterprise worker who has devoted his or her lifetime to the state, and the construction of socialism. While the sound of the speech delivered by a

bureaucrat on the platform still lingers, the camera turns to shoot the first interviewee who is walking up a long stairway. This is then followed by the shot of a broken window. The camera moves from left to right, fixing on the retired worker standing by the window, and then the camera comes into focus. The retired worker's facial expression is so serious, sad and unforgettable that audiences can perceive his most intimate feelings, his confused affection and the tragedy and hopelessness that he has undergone during this transition. At the same time, you begin to sense that this is not an ordinary documentary, but one that is epic, heroic, and sublime. What follows is the shot of a truck moving dismantled machinery out of city. The factory and the workshop, the space where workers work and spend most their lifetime, finally comes to end. In the process of worldwide globalization and the reform and opening in China, this space will inexorably and irrevocably make room for a new master, finance capital and its associated interest groups.[1] The vice president of Chengfa Group mentions in a casual yet definite way that a five-star hotel will be built on the site of his office.

In the interviews, former factory workers talk about what has happened to them in the past several decades. In Post-Mao China, factory workers began to lose the traditional social status that they enjoyed in Mao's time. According to Lisa Rofel's analysis, workers live as "absent presence" or "historical lack" in Post-Mao China's modernization project.[2] We cannot take their stories simply as nostalgia, expressing their dissatisfaction with the current situation. These narratives, in more academic terms, "evince the culturally specific means by which people represent and therefore experience the worlds in which they live. Yet narratives also provide the moment of challenging those world order. As Kathleen Steward argues, narration opens up gaps and in the order of things and the meanings of signs."[3] In the Chinese social context, these worker's stories can be taken as a way to maintain their political consciousness, to subvert and to refuse the image and identity shaped by the government and its ideological propaganda.

In *24 City*, the image of future city itself appears only in the form of high-rising buildings still under-construction and the sand table model that a salesgirl displays to a potential buyer (one of the interviewees whose parents work in the same factory and who now works for the local TV station). The final shot shows the grey, gloomy, dusty panorama of Chengdu, seriously challenging the official ideology of a bright future for the urban landscape in China.

Notes

1. The transfer and sale of land and real estate industry is one of the most lucrative businesses in present-day China. According to Chinese media, local governments depend on the sale of land for approximately 50% of their revenue, although it varies between different regions and cities. In addition, the government charges 52 different taxes on each real estate project. These taxes plus land price together form a large proportion of the cost of a real estate project, from 30% to 50%. 70% to 95% of the money that a real estate developer invests on each project comes from a state-owned bank's loan. So the State is a driving force in the unprecedented large-scale urban construction or reconstruction across China. Meanwhile, the government has speeded up the commercialization of urban housing since the mid 1990's by privatizing former public housing (making danwei(work unit) employees buy their fomerly allocated housing), greatly reducing the supply of affordable housing and pushing the vast majority of people into the market to solve their housing problems. The quantity of affordable ownership and rental housing provided by the government makes up a very small proportion of the total housing supply, around 3% to 5%. Rural migrant workers and un-registered urban residents are not entitled to apply for this public housing.

2. Lisa Rofel, *Other Modernity: Gendered Yearnings in China after Socialism* (Berkeley: University of California Press, 1999), 96.

3. Rofel, 14.

Kin Tsui teaches art history at the Sichuan Art Profession College. His research focuses are contemporary Chinese social and urban changes, Marxist critical theory, and Chinese film.

FILM/DOCUMENTARY
The Garden, (2009), 80 minutes,
Directed by Scott Hamilton Kennedy,
Black Valley Films.
Review by Rhonda Teitel-Payne

The call to support the South Central Farmers seemed straightforward: Latino farmers in inner city Los Angeles fighting to keep land given to them by the city. Touted as the largest community garden in the US, the 14-acre South Central Farm was plowed under in 2006 after a land ownership dispute that entangled the city of Los Angeles, neighbourhood residents, and immigrant farmers who had worked the land for twelve years. This is a convoluted story of private land expropriated by the city, handed over to the farmers for more than a decade, and then sold back to the original owner for the same purchase price. From the opening aerial view of acres of verdant gardens in the midst of an industrial desert, to shots of bulldozers plowing down corn while the farmers hang from the fence in tears, there is an undeniable dimension of tragedy. *The Garden*, a 2008 film by Scott Kennedy, only begins to peel back the layers of complexity in a case study that shapes political and community organizing with visceral dramatic turns.

The characters and story line are far more complicated than they first appear. The farmers become divided into two camps—the incumbent farmers and the "organizers," such as Tezo and Rufina. While the film uses familiar tropes to frame Tezo and Rufina as heroes, there are also indications that some farmers viewed them as newcomers more concerned with their political agenda than with farming. When the farm is criticized by the local community for using public land to provide financial gain for a small number of farmers, the activist leaders attempt to restrict the number of plots each family may use. They claim to be enforcing rules agreed to by all of the farmers, but their approach is heavy-handed and met with resentment that leads to violent confrontation.

Some community garden organizers call the inability of the organizers to build grassroots support with the local African-American community and local Councilor Jan Perry a key failure leading to the loss of the garden. Interviews in *The Garden* with Juanita Tate, head of the concerned citizens' group that opposed the farm, show her as a difficult personality shadowed by corruption charges. The film references Jan Perry's reluctance to act on behalf of the farmers as non-constituents (and illegal immigrants), but it doesn't mention she assisted the farmers in finding new, less contentious, land in another part of the city, until the very end of the film.

Both factions use the word "community" selectively for specific political ends. Rufina talks about the "community" not receiving the eviction notice well, but she is speaking about the gardeners, not the broader neighbourhood. Perry and Tate have an equally selective and contrasting view of who constitutes the community and what its needs are, wanting to use the land for a sports field. The film never mentions the pressure to create jobs in an economically depressed area, nor the status of the neighbourhood as a food desert. When I passed through the area to visit the (razed) garden in 2007, I didn't see a single food retail outlet.

Ralph Horowitz, the developer who now owns the land, comes off as a repugnant character. Horowitz gave the farmers five weeks to raise $16.3 million to buy the land. When they succeeded, he retracted his offer because (in addition to the allegation of anti-Semitic remarks) he didn't "like their cause." His reasoning is as offensive as the act itself. Like those who think that poor people should be grateful for whatever charity they receive, Horowitz complained about the farmers' lack of "gratitude" for having any use of the land at all. "They owe me."

The film is positioned as a battle of individual property rights (the developer) against community needs (the farmers), yet the more compelling struggle is really the flip side of this—that community gardens are framed as private uses of public land. Juanita Tate railed against the farm as a commercial enterprise, stating that the farmers were making unfair sums of money while the rest of the community had no access to the land. The film did not mention if the produce was indeed sold and, if so, where and to whom. Is growing fresh produce for sale in an area marked by poor food access not a benefit to the community? This question is particularly relevant as Toronto, like many cities in North America, investigates the possibilities for scaling up urban agriculture in order to respond to the growing desire for local food. As a community garden organizer, I find it inconceivable that anyone can conflate creating income substitution opportunities for people living on low incomes with giving up public land for profit. Perhaps it is a question of scale and situation—the SCF case was 14 acres of highly contested land and there were allegations of concentration of usage within a limited number of hands.

The current status of the farm is a painfully familiar one. While the farmers have found other land and are growing once again, as of June 2008 the 14 acres remain empty—devoid of food, job-creating industrial applications or community amenities.

Rhonda Teitel Payne is the Urban Agriculture Manager at The Stop Community Food Centre in Toronto, an organization that works to increase access to food by linking local urban agriculture, community networks, and anti-poverty advocacy. The Stop coordinates cooking classes, drop-in meals, perinatal support, food markets, an 8000 square foot garden, a greenhouse, and an experimental sheltered garden. For more information, see www.thestop.org.

Social Bridge

Private property relations, on which the modern city developed, are reinforced by local building codes, variations on a national code, which outline acceptable standards for how structures are to be built to ensure safety and predictable regularity. But with equal effectiveness, the code regulates what cannot be done; it simultaneously acts as a set of negative prohibitions. Civic codes are administered through a municipally regulated permit system overseen by city-employed building inspectors whose job it is to ensure compliance, to arbitrate on-site deviations from the written code and to sign off on work completed. In a city like Vancouver, an endless construction boom means that the number of projects needing inspection far outstrips the number of available inspectors, resulting in the occasional non-conforming structure.

The code also regulates adjacencies, separations, clearances and heights within the building lot footprint, determining the actual envelope of any proposed structure. Distances from property lines, and therefore between adjacent buildings, establish the physical separation of people from their neighbors. By outlining the limits of personal territory the code conditions social interaction, regulating space and human behaviour. Civic codes are administered through a municipally regulated permit system overseen by building inspectors whose job it is to ensure compliance, to arbitrate on-site deviations from the written code and to sign off on work completed. In a city like Vancouver, an endless construction boom means that the number of projects needing inspection far outstrips the number of available inspectors, resulting in the occasional non-conforming structure.

The legal separation of one surveyed property from the next is registered with the land-title office of the provincial government of British Columbia in New Westminster. This sub-division in law is visibly played out in fact by individual property owners, who typically articulate the edges of their estates with walls, fences, borders, hedges, lattices, trellises, rockeries and other conforming demarcations. The character of these separations varies in direct proportion to lot value; they become more durable as land values increase. In East Vancouver, historically one of the poorest city neighborhoods, property separations still seem less distinct than in WestSide/WestEnd/WestVan neighborhoods. East Vancouver's varied patterns of immigration and shifting demographics have resulted in a greater variety of building forms here than elsewhere in the city. Non-conforming structures have been grandfathered in, commercial and residential construction is more densely mixed, and new post-modern additions have appeared in a conglomeration of styles. The neighbourhood is now rapidly gentrifying, such that recently an older unimproved, no-view, under-1000sf bungalow on a 25-foot lot sold for $560,000.

Bridge is the fluid exchange between two sites, crossing silently, invisibly, beneath a property line. Unseen, silently, beneath. Although a property line is invisible, a legal fiction, its deliberation is real enough to keep people apart. But here, with Bridge, for a moment the privations of property are overcome; a physical leap conjoins two territories creating a temporary public space. While this bridge can literally bring people together, its true function spins out in allegories of vision and connection. As metaphor, a bridge is a sign for linkage and passage, a space of transition, an overcoming of physical obstacles, a conduit between heterogeneous territories. It enables the transfer of people, goods and services, eases communication and encourages co-operation. It allows movement in either direction. Constructing a real bridge is a collective activity, a social engagement of individuals working to common purpose; it is in effect a leap of faith, a projection into a possible future.

Greg Snider is a sculptor and installation artist living and working in Vancouver, BC. His practice is considered a form of critical realism, primarily directed toward problems of representation in the visual arts and the public sphere. Through his interest in the working body, place, space and its relation to physical objects, he has had opportunities to produce stage design and collaborative performance in a range of disciplinary contexts with theatre, dance and music.

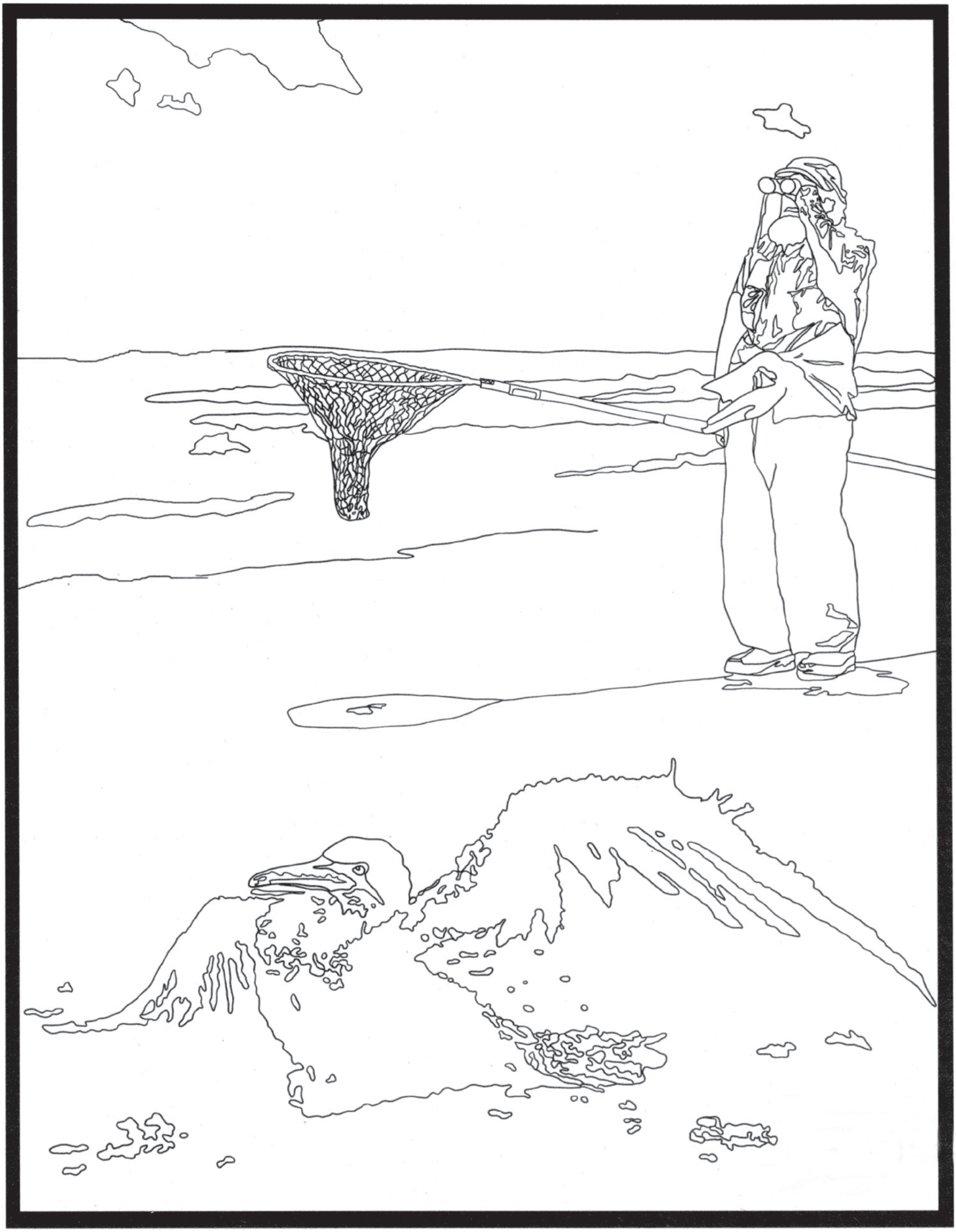
Reece Terris is a Vancouver based artist whose work takes on a range of forms and materialities as a place or object through which amplification or shift in the primary function of an original design. Past projects include a six-storey apartment building temporarily installed into the middle of a busy intersection, a full-size pedestrian wooden bridge connecting two residential homes, and a false front added to the existing facade of The Western Front artist run centre in Vancouver.

Project by Reece Terris
text by Greg Snider

Bridge (Wooden Arch), 2006, Installation (wood, rope)
Photograph by Reece Terris

Bird Series—Image #21

This image is part of the ongoing participatory project called "News Coloring Station." The project includes generating coloring books on various difficult topics in current events and coloring them with the public as a platform for conversation and discussion.



Project by Sharone Vendriger

Sharone Vendriger is an Israeli artist based in New York. Her work engages with issues of justice and the effects of class power relations on life.